

**Garden City Urban Renewal Agency
City of Garden City, ID**

**RIVER FRONT EAST
URBAN RENEWAL PLAN**

JULY 2012

ACKNOWLEDGEMENTS

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**URBAN RENEWAL PLAN FOR THE
RIVER FRONT EAST URBAN RENEWAL PROJECT**

**GARDEN CITY URBAN RENEWAL AGENCY
CITY OF GARDEN CITY, IDAHO**

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**URBAN RENEWAL PLAN FOR THE
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GARDEN CITY URBAN RENEWAL AGENCY
CITY OF GARDEN CITY IDAHO**

100 INTRODUCTION

This is the Urban Renewal Plan (the "Plan") for the River Front East Urban Renewal Project (the "Project," with the area referred to as the River Front East Project Area or the Urban Renewal Area or the Project Area) in the city of Garden City (the "City"), state of Idaho, and consists of the text contained herein and the following attachments:

Garden City Urban Renewal Agency Boundary Description River Front East Project Area and Revenue Allocation Area (Attachment 1),

River Front East Project Allocation Boundary Map (Attachment 2),

Private Properties Which May Be Acquired by the Agency (Attachment 3),

Maps Depicting Expected Land Uses and Current Zoning Area within the Revenue Allocation and Project Area (Attachment 4),

Statement of Proposed Public Improvements, Costs, Revenues, Tax Impacts and Financing Methods (Attachment 5),

Garden City River Front East Urban Renewal Area Estimated Net Taxable Value of New Private Development and Estimated Garden City Growth Rates (Attachment 5A),

Garden City River Front East Urban Renewal Area Estimated Annual Revenue Allocation Based on Estimated New Private Development and Estimated Garden City Growth Rate (Attachment 5B), and

Garden City River Front East Urban Renewal District Projected Revenue and Expenses -- FY 2013-2032 (Attachment 5C).

The term "Project" is used herein to describe the overall activities defined in this Plan and conforms with the statutory definition of an urban renewal project. Reference is specifically made to Idaho Code Section 50-2018(10) for the various activities contemplated by the term "Project." Such activities include both private and public development of property within the urban renewal area. The term "Project" is not meant to refer to a specific activity or development scheme. The River Front East Project Area is also referred to as the Project Area.

This Plan was prepared by the Board of Commissioners and consultants of the Garden City Urban Renewal Agency (the "Agency") and reviewed and recommended by the Agency pursuant to the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the "Law"), the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the "Act"), and all applicable local laws and ordinances.

The proposed redevelopment of the Project Area as described in this Plan conforms to the Comprehensive Plan for the city of Garden City (the "Comprehensive Plan"), adopted by the City Council (the "City Council").

The Agency may create several planning documents that generally describe the overall Project and identify certain specific public and private capital improvement projects. Because of the changing nature of the Project, these documents, by necessity, must be dynamic and flexible. The Agency anticipates that these documents will be modified as circumstances warrant. Any modification, however, shall not be deemed as an amendment of this Plan. No modification will be deemed effective if it is in conflict with this Plan. The planning documents are purposely flexible and do not constitute specific portions of the Plan. Provided, however, prior to the adoption of any planning document or proposed modification to any planning document, the Agency shall notify the City and publish a public notice of such proposed modification at least thirty (30) days prior to the consideration of such proposed modification, thus providing the City and any other interested person or entity an opportunity to comment on said proposed modification. The Board of Commissioners of the Agency (the "Board") shall consider any such comments and determine whether to adopt the modification. The planning documents apply to redevelopment activity within the Project Area as described herein. In the event of any conflict between this Plan and the appended documents, the provisions of this Plan shall control. The Agency intends to rely heavily on any applicable City design standards which may cover all or part of the Project Area.

This Plan provides the Agency with powers, duties, and obligations to implement and further the program generally formulated in this Plan for the redevelopment, rehabilitation, and revitalization of the area within the boundaries of the Project Area. The Agency retains all powers allowed by the Law and Act. Because of the long-term nature of this Plan, and the need to retain in the Agency flexibility to respond to market and economic conditions, property owner and developer interests, and opportunities from time to time presented for redevelopment, this Plan does not present a precise plan or establish specific projects for the redevelopment, rehabilitation, and revitalization of any area within the Project Area, nor does this Plan present specific proposals in an attempt to solve or alleviate the concerns and problems of the community relating to the Project Area. Instead, this Plan presents a process and a basic framework within which specific plans will be presented, specific projects will be established, and specific solutions will be proposed, and by which tools are provided to the Agency to fashion, develop, and proceed with such specific plans, projects, and solutions.

Implementation of this Plan will require public co-investment to help stimulate desired private development. Typically, the public will fund enhanced public improvements like utilities, water and sewer improvements or upgrades, streets, sidewalks, and certain public open

space which, in turn, create an attractive setting for adjacent private investment for industrial, office, and commercial facilities.

The particular projects or redevelopment projects by private entities described herein are not intended to be an exclusive or exhaustive list of potential redevelopment activity. Allowed projects are those activities which comply with the Law and the Act and meet the overall objectives of this Plan. The public-private relationship is crucial in the successful redevelopment of the Project Area.

The purpose of the Urban Renewal Law will be attained through, and the major goals of this Plan are:

- a. The provision of adequate land for parks, open space, street rights-of-way and pedestrian rights-of-way;
- b. The construction, reconstruction and improvement of major street corridors to allow traffic flows to move through the development along with the accompanying utility connections, through the Project Area; including relocating certain utilities to underground facilities;
- c. The provision of public service utilities such as water system improvements, sewer system improvements (which may be located outside the Project Area);
- d. The elimination of environmental deficiencies in the Project Area, including, among others, deteriorated and inadequate public improvements including certain streets and improvements; improvements to public utilities including water and sewer improvements, fire protection systems; streetlights; other public improvements; removal, burying, or relocation of overhead utilities; extension of electrical distribution lines and transformers; and improvement of irrigation and drainage ditches and laterals;
- e. The assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area;
- f. The replanning, redesign, and development of undeveloped or underdeveloped areas which are stagnant or improperly utilized because of limited traffic access, underserved utilities, and other site conditions;
- g. The strengthening of the economic base of the Project Area and the community by the installation of needed site improvements to stimulate new private development providing, employment, and economic growth;
- h. The establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project, including commitment of funds

for planning studies, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources;

- i. The strengthening of the tax base by encouraging private development, thus increasing the assessed valuation of properties within the Revenue Allocation Area and the Project Area as a whole and benefiting the various taxing districts in which the urban renewal area is located; and
- j. The funding of necessary public infrastructure to accommodate both public and private development.

101 General Procedures of the Agency

The Agency is a public body, corporate and politic, as defined and described under the Law and the Act. The Agency is also governed by its bylaws as authorized by the Law and adopted by the Agency. Under the Law, the Agency is governed by the Idaho open meeting law, the Public Records Act, the Ethics in Government Act, financial reporting requirements, and the competitive bidding requirements under Chapter 28, Title 67, Idaho Code.

Generally, the Agency shall conduct all meetings in open session and allow meaningful public input as mandated by the issue considered or by any statutory or regulatory provision. Whenever in this Plan it is stated that the Agency may modify, change, or adopt certain policy statements or contents of this Plan not requiring a formal amendment to the Plan as required by the Law or the Act, it shall be deemed to mean a consideration by the Board of such policy or procedure, duly noticed upon the Agency meeting agenda and considered by the Agency at an open public meeting and adopted by a majority of the Board members present, constituting a quorum, unless any bylaw, provision of law, or provision herein provides otherwise.

102 Provisions Necessary to Meet State and Local Requirements

102.1 Conformance with the Idaho Urban Renewal Law of 1965, as Amended

- a. The laws of the state of Idaho require that an urban renewal plan be prepared by the Agency for an area certified as an urban renewal area by the City Council. The Project Area was certified by the City Council by Resolution No. 957-12 on February 13, 2012.
- b. With the adoption of Resolution No. 957-12, the City Council found the Project Area a deteriorated and deteriorating area existing in the City as defined by the Law and Act, and authorized the preparation of an urban renewal plan.

- c. In accordance with the Law, this Plan was submitted to the Planning and Zoning Commission of the City. After consideration of the Plan, the Commission reported to the City Council stating that this Plan is in conformity with the Comprehensive Plan, city of Garden City.
- d. Pursuant to the Law, and Act, the City Council having published due notice thereof, a public hearing was held on this Plan. Notice of the hearing was duly published in a newspaper having general circulation. The City Council adopted this Plan on October 22, 2012, by Ordinance No. 954-12

103 History and Current Conditions of the Area

When the U.S. Army established Boise Barracks in 1863, it established a “hay reserve” at what became known as “Government Island.” From this reserve, the Army harvested food for its horses. Eventually, the military reduced its presence in the region, and in 1884, the Army relinquished the reserve, making it available to private ownership.

A man named George Breidensteen bought a large parcel and built an irrigating canal along the south edge of the property, making it more productive. Others bought smaller parcels. Meanwhile, cattle rancher Thomas J. Davis, proprietor of the Bar O Ranch then operating in the Bruneau River area, was looking for land to expand his cattle business. In 1888 he began buying up Government Island, acquiring the last piece in 1890, for a total of over 600 acres.

Davis referred to this place as Government Island Ranch, or the GI Ranch. It became only one of his many land holdings and enterprises. He also owned an orchard at Boise, one of the first land claims in the Boise River valley. At the orchard, he leased land near the river to Chinese gardeners who preferred gardening to gold mining in Boise Basin. When he acquired Government Island, he continued the practice of leasing to his Chinese associates. The Chinese farms were located on the upstream end of the property. The farmers raised strawberries, onions, and other produce. They also raised hogs, for which they sent wagon teams through the neighborhoods of Boise to collect garbage.

After Tom Davis’s death in 1908, Government Island became better known as the Davis Estate or Davis Ranch, which continued under the management of his sons for quite some time.¹

Approximately 100 acres of the Davis Ranch became the original site of the City of Garden City.

Legalized gambling between 1949 and 1953 provided residents with significant revenues to offset taxes and decrease the cost of lights, sewer, water, and sidewalks. When gambling was declared unconstitutional under Idaho law in 1953, the loss of these revenues resulted in a deteriorating tax base, and infrastructure improvements came to a virtual standstill.

¹ Susan M. Stacy, *Tom and Julia Davis, “Some Good Place,” Boise, Idaho* (Boise: T and J Publishing, 2007), pp. 27, 61-62.

For many years Garden City had few land-use regulations, and today, that is reflected in a mix of commercial and residential properties throughout the area, many in deteriorating condition. This has had a declining impact on property values, even for those many residents and businesses who have worked hard to maintain their properties in excellent condition.

104 Purpose of Activities

The description of activities, public improvements, and the estimated costs of those items are intended to create an outside limit of the Agency's activity. The Agency reserves the right to change amounts from one category to another, as long as the overall total amount estimated is not substantially exceeded. The items and amounts are not intended to relate to any one particular development, developer, or owner. Rather, the Agency intends to discuss and negotiate with any owner or developer who seeks Agency assistance. During such negotiation, the Agency will determine, on an individual basis, the eligibility of the activities sought for Agency funding, the amount the Agency may fund by way of percentage or other criteria including the need for such assistance. The Agency will also take into account the amount of revenue allocation proceeds estimated to be generated from the developer's activities. The Agency also reserves the right to establish by way of policy, its funding percentage or participation, which would apply to all developers and owners.

Throughout this Plan, there are references to Agency activities, Agency funding, and the acquisition, development, and contribution of public improvements. Such references do not necessarily constitute a full, final, and formal commitment by the Agency but, rather, grant to the Agency the discretion to participate as stated subject to achieving the objectives of this Plan and provided such activity is deemed eligible under the Law and the Act. In some respects the activities listed in Attachment 5 are concepts which will be determined or prioritized as the overall Project Area develops, and may be more limiting than the narrative contained herein, which describes the more broad based activities allowed by the Law and Act. Specific activity will be further refined by agreements with developers or property owners and by the annual budgets adopted by the Agency.

The Agency reserves the right to prioritize the projects described in this Plan. The Agency also reserves the right to retain its flexibility in funding the various activities. The Agency also reserves its discretion and flexibility in deciding which improvements should be funded and what level, whether using its own funds or funds generated by other sources.

The activities listed in Attachment 5 are also prioritized by way of importance to the Agency by the amounts funded, and by year of funding, with earlier years reflecting the more important activities, achievement of higher objectives, long term goals, and commitments. As required by the Law and Act, the Agency will adopt more specific budgets annually.

200 DESCRIPTION OF PROJECT AREA

The boundaries of the Project Area and the Revenue Allocation Area are shown on the Project Area and Revenue Allocation Boundary Map, attached hereto as Attachment 1 and incorporated herein by reference, and is described in the Description of the Project Area and Revenue Allocation Area, attached hereto as Attachment 2 and incorporated herein by reference. For purposes of boundary descriptions and use of proceeds for payment of improvements, the boundary shall be deemed to extend to the outer boundary of rights-of-way or other natural boundary unless otherwise stated.

The Eligibility Report approved by both the Agency and the City depicts an area from Veterans Memorial Drive on the west, Garden Street on the east, the Boise River on the north, and the Osage Street right-of-way on the south. The Eligibility Report also found that certain properties west of Veterans Memorial Drive, past 42nd Street to Bills Avenue extending to the Boise River, as eligible for urban renewal planning. These properties were included within the boundaries of the River Front Plan. However, those properties have not redeveloped to the point of eliminating those certain deteriorating conditions as of 2012. As those properties may still benefit from inclusion within an urban renewal plan, the River Front East Plan includes those properties. Based on a recommendation from the Agency, the City Council considered and approved Ordinance No. 953-12 formally amending the River Front Plan, deleting those properties for the urban renewal project plan area and revenue allocation area of the River Front Plan.

300 PROPOSED REDEVELOPMENT ACTIONS

301 General

The Agency proposes to eliminate and prevent the spread of deteriorating or deteriorated conditions in the Project Area by:

- a. The installation, construction, or reconstruction of streets, utilities, including electrical distribution and transmission lines in underground configuration, if needed to encourage new developments, fiber optic or other communication systems, and other public improvements, including, but not limited to, irrigation and drainage laterals and ditches, canal crossings, storm drain systems, water and sewer improvements, fire protection systems, streetlights; and other public improvements including civic building or community facilities owned or occupied by the Agency or other public agencies including the City of Garden City's walkways, public open spaces, community centers, cultural centers, and visitors or information centers, as may be deemed appropriate by the Urban Renewal Agency Board;
- b. The acquisition of certain real property (if needed);

- c. The demolition or removal of certain buildings and improvements for public rights-of-way for streets, utilities, walkways, and other improvements, for public facility building sites, to eliminate unhealthful, unsanitary, or unsafe conditions, enhance density, eliminate obsolete or other uses detrimental to the public welfare or otherwise to remove or to prevent the spread of deteriorating or deteriorated conditions;
- d. The provision for participation by the property owner within the Project Area to achieve the objectives of this Plan;
- e. The management of any property acquired by and under the ownership and control of the Agency;
- f. The provision for relocation assistance to displaced Project occupants, as required by law;
- g. The disposition of property for uses in accordance with this Plan;
- h. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
- i. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
- j. The preparation and assembly of adequate sites for the development and construction of facilities for industrial, commercial, retail, and governmental use;
- k. To the extent allowed by law, lend or invest federal funds to facilitate redevelopment; and
- l. The construction of foundations, platforms, and other like structural forms necessary for the provision or utilization of air rights, sites for buildings to be used for residential, commercial, industrial, and other uses contemplated by the Plan, and to provide utilities to the development site.

In the accomplishment of these purposes and activities and in the implementation and furtherance of this Plan, the Agency is authorized to use all the powers provided in this Plan and all the powers now or hereafter permitted by law.

302 Urban Renewal Plan Objectives

Urban renewal action is necessary in the Project Area to combat problems of physical deterioration or deteriorating conditions.

The Project Area and Revenue Allocation Area consists of property located within the city limits of Garden City generally from Veterans Memorial Parkway on the west to Garden Street on the east, the Boise River on the north, the Osage right-of-way on the south, along with the area along 42nd Street and Bills from Adams to the Boise River.

The Project Area consists of approximately 199 acres. The area has a history of a slow-growing tax base primarily attributed to: inadequate street layout, inadequate parking, inadequate drainage facilities; deterioration of water and sewer lines, crime and safety concerns, inadequate pedestrian and open areas, undeveloped properties, inconsistent and diverse property ownership and use, a substantial number of deteriorated or deteriorating structures, and other deteriorating factors.

This environment contrasts sharply with the growing economic and cultural strength of the City and the Ada County region. The construction of new utility services and street improvements will aid, assist, and enhance the overall development of said property.

Hence, the Plan for the Project Area is a proposal for street and utility improvements to provide an improved environment for new retail residential and commercial facilities, eliminate unsafe conditions, and to otherwise prevent the extension of deterioration and reverse the deteriorating action of the area.

Air rights and subterranean rights may be disposed of for any permitted use within the Project Area boundaries.

Less than fee acquisition may be utilized by the Agency when and if necessary to promote redevelopment in accordance with the objectives of the Plan.

Temporary project improvements shall be provided to facilitate adequate vehicular and pedestrian circulation.

Property may be acquired or interests in property obtained to develop or enhance open space neighborhood or local parks, community gardens, and the greenbelt area adjacent to the Boise River.

The provisions of this Plan are applicable to all public and private property in the Project Area. The provisions of the Plan shall be interpreted and applied as objectives and goals, recognizing the need for flexibility in interpretation and implementation, while at the same time not in any way abdicating the rights and privileges of the property owners which are vested in the present and future zoning classifications of the properties. All development under an owner participation agreement shall conform to those standards specified in Section 303.1 of this Plan.

This Plan must be practical in order to succeed. Particular attention has been paid to how it can be implemented, given the changing nature of market conditions. Transforming the Project Area into a vital, thriving part of the community requires an assertive strategy. The following list represents the key elements of that effort:

- a. Initiate simultaneous projects designed to revitalize the Project Area. From street and utility improvements to significant new development, the Agency plans a key role in creating the necessary momentum to get and keep things going.
- b. Encourage economic development.

Without direct public intervention, much of the Project Area could conceivably remain unchanged for the next several years. It is anticipated success will come through public-private partnerships. The Plan creates the necessary flexible framework for the Project Area to support the City's economic development.

All existing alleys within the Project Area may be vacated to permit development as well as encourage variety and flexibility of design within the periphery blocks, subject to approval by either the City or ACHD.

A further objective of the Urban Renewal Plan is to provide for the acquisition and clearance of land or property used for public facilities, parks, and open space. Improved parking and loading areas will be developed to serve the new land uses within the Project Area. Land use in the Project Area will be modified to the extent that buildings currently vacant and land now devoted to scattered inconsistent uses will be converted to residential, commercial, public and private parking, and public/semi-public uses.

It is recognized that the ACHD has exclusive jurisdiction over all public rights-of-way within the Project Area, except for state highways. Nothing in this Plan shall be construed to alter the powers of the ACHD pursuant to Title 40, Idaho Code. Additionally, nothing herein shall be deemed to mean that ACHD shall be expected to totally fund the needed improvements described in this Plan. The Agency intends to work very closely with ACHD to determine the priority of projects which fall within ACHD jurisdiction and to reach a feasible financing plan for those projects.

303 Participation Opportunities and Agreement

303.1 Participation Agreements

The Agency shall enter into an owner participation agreement with any existing or future owner of property, in the event the property owner seeks and/or receives assistance from the Agency in the redevelopment of the property. In that event, the Agency may allow for an existing or future owner of property to remove his property and/or structure from future Agency acquisition subject to entering into an owner participation agreement.

Each structure and building in the Project Area to be rehabilitated or to be constructed as a condition of the owner participation agreement between the Agency and the owner pursuant to this Plan will be considered to be satisfactorily rehabilitated and constructed, and the Agency

will so certify, if the rehabilitated or new structure meets the following standards through an executed owner participation agreement meeting the conditions described below:

- a. Any such property within the Project shall be required to conform to all applicable provisions, requirements, and regulations of this Plan. The owner participation agreement may require as a condition of financial participation by the Agency a commitment by the property owner to meet the greater objectives of the land use elements identified in the Comprehensive Plan, and applicable zoning ordinances. Upon completion of any rehabilitation each structure must be safe and sound in all physical respects and be refurbished and altered to bring the property to an upgraded marketable condition that will continue throughout an estimated useful life for a minimum of twenty (20) years.
- b. All such buildings or portions of buildings which are to remain within the Project Area shall be rehabilitated in conformity with all applicable codes and ordinances of the City.
- c. Any new construction shall also conform to all applicable provisions, requirements, and regulations of this Plan.
- d. Any new construction shall also conform to all applicable codes and ordinances of the City.

All such agreements will address phasing issues, justification and eligibility of project costs, and achievement of the objectives of the Plan. Agency shall retain its discretion in the funding level of its participation.

In such participation agreements, participants who retain real property shall be required to join in the recordation of such documents as may be necessary to make the provisions of this Plan applicable to their properties. Whether or not a participant enters into a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Project Area.

In the event a participant fails or refuses to rehabilitate, develop, use, and maintain its real property pursuant to this Plan and a participation agreement, the real property or any interest therein may be acquired by the Agency in accordance with Section 305.1 of this Plan and sold or leased for rehabilitation or development in accordance with this Plan.

Owner participation agreements may be used to implement the following objectives:

- a. Encouraging established businesses to revitalize deteriorating areas of their parcels to accelerate the enhancement of the street environment in the Plan area.
- b. Subject to the limitations of the Law and the Act, providing incentives to existing business owners to encourage continued utilization and expansion of existing

permitted uses to prevent properties from falling into disuse, a proliferation of vacant and deteriorated parcels and a reduction in area employment.

- c. Allowing existing nonconforming uses to continue in accordance with City regulations and to accommodate improvements and expansions allowed by City regulations.
- d. Subject to the limitations of the Act, providing incentives to improve nonconforming properties so they implement the design guidelines contained in this Plan to the extent possible and to encourage an orderly transition from nonconforming to conforming uses over the next twenty (20) years.

303.2 Zoning Incentive, Impact Fees and Waivers

Pursuant to the City's zoning ordinance, certain zoning incentive, density waivers, and other waivers may be available to those developers who develop properties in such a manner that those incentives and waivers are available.

For any development covered by an owner participation agreement or disposition and development agreement, the Agency shall have the authority, but not the obligation, to cooperate with the developer to apply for the waiver or reduction of any impact fee assessed by any other governmental entity. The Agency shall also have the authority, but not the obligation, to consider the payment of all or part of such impact fees from revenue allocation proceeds to the extent allowed by law. Such participation in payment of impact fees shall also apply to impact fees assessed by ACHD.

304 Cooperation with Public Bodies

Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or operation of this Project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. All plans for development of property in the Project Area by a public body shall be subject to Agency approval, in the event the Agency is providing any financial assistance.

Subject to applicable authority, the Agency may impose on all public bodies the planning and design controls contained in this Plan to insure that present uses and any future development by public bodies will conform to the requirements of this Plan, provided however, ACHD has exclusive jurisdiction over Ada County Highway District Streets. The Agency is authorized to

financially (and otherwise) assist any public entity in the cost of public land, buildings, facilities, structures, or other improvements of the Project Area.

The Agency specifically intends to cooperate to the extent allowable with the City and ACHD for the construction of street and utility improvements. The Agency shall also cooperate with the City on various relocation, screening, or underground projects, the providing of fiber optic capability, and the funding of water and sewer improvements. To the extent any public entity, including the City, has funded certain improvements such as water and sewer facilities, the Agency may reimburse those entities for those expenses. The Agency also intends to cooperate and seek available assistance from state and federal sources for economic development.

In the event the Agency is participating in the public development by way of financial incentive or otherwise, the public body shall enter into a participation agreement with the Agency and then shall be bound by the Plan and other land use elements and shall conform to those standards specified in Section 303.1 of this Plan.

305 Property Acquisition

305.1 Real Property

Only as specifically authorized herein, the Agency may acquire, through the voluntary measures described below, but is not required to acquire, any real property located in the Project Area where it is determined that the property is needed for construction of public improvements, required to eliminate or mitigate the deteriorated or deteriorating conditions, and as otherwise allowed by law. The acquisition shall be by any means authorized by law, including, but not limited to, the Law, the Act, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, but shall not include the right to invoke eminent domain authority except as authorized herein. The Agency is authorized to acquire either the entire fee or any other interest in real property less than a fee, including structures and fixtures upon the real property, without acquiring the land upon which those structures and fixtures are located.

The Agency shall not acquire real property to be retained by an owner pursuant to a participation agreement if the owner fully performed under the agreement.

The Agency intends to acquire any real property through voluntary or consensual gift, devise, exchange, or purchase. Such acquisition of property may be for the development of the public improvements identified in this Plan or for the assembly of properties for the redevelopment of those properties to achieve the objectives of this Plan. Such properties may include properties owned by private parties or public entities. This Plan does not anticipate the Agency's widespread use of its resources for property acquisition, except for the construction of public improvements and any ability to engage in certain demonstration projects and other major objectives outlined in this Plan and to assemble certain critical or strategic parcels to dispose to the private sector to assist in the redevelopment of the Project Area.

In the event the Agency identifies certain property which should be acquired to develop certain public improvements intended to be constructed under the provisions of this Plan, the Agency shall coordinate such property acquisition with any other public entity (e.g., without limitation, the City, the state of Idaho, or any of its authorized agencies), including the assistance of the Agency of funds to acquire said property either through a voluntary acquisition or the public entity's invoking of its eminent domain authority.

The Agency is authorized by this Plan to acquire the properties identified in Attachment 3 hereto. Otherwise, Agency acquisition of any other real property shall be accomplished only following a formal amendment to this Plan that will include an exhibit identifying the property to be acquired.

It is in the public interest and is necessary, in order to eliminate the conditions requiring redevelopment and in order to execute this Plan, for the power of eminent domain to be employed by the Agency to acquire real property in the Project Area, which cannot be acquired by gift, devise, exchange, purchase, or any other lawful method.

Under the provisions of the Act, the urban renewal plan "shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area." Idaho Code § 50-2018(12). The Agency has not identified any particular parcel for acquisition for the construction of public improvements. These activities are generally described in Attachment 3. The Agency may also acquire property for the purpose of developing public parking facilities, providing public open space, providing public utilities, and enhancing the opportunity for other uses. At the present time, the Agency cannot specifically identify which parcels may be necessary for acquisition. The Agency reserves the right to determine which properties, if any, should be acquired. Generally, the Agency will invoke its acquisition authority only for the elimination or mitigation of deteriorated or deteriorating buildings, structures, or properties in order to enhance public open space in the Project Area or to assist or participate in site reclamation, remediation, or elimination of blighted or deteriorated areas, and then only by voluntary means. However, the Agency's authority to invoke eminent domain to acquire real property for disposition to private parties for economic development is limited by Idaho Code § 7-701A.

305.2 Personal Property

Generally, personal property shall not be acquired. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means. For purposes of this Plan, acquisition of certain permanent fixtures or improvements upon real property shall be governed by this section. The Agency retains the right to purchase those fixtures or improvements (including buildings) for the purpose of eliminating certain deteriorated or deteriorated structures to facilitate the redevelopment of the real property upon which the buildings and structures are located. Such acquisition shall be based upon appraised value of the structures and negotiation with the owner of the structures. The Agency

shall take into account, before committing to such acquisition, any environmental or other liability present or potentially present in such structures. In the event, the Agency determines to acquire such property; it shall do so upon the successful negotiation of an owner participation agreement in compliance with the terms of Section 303.1 of this Plan. In addition, such owner shall commit to the redevelopment of the real property and to maintain the real property in a safe and clean manner. The Agency shall acquire such property by way of any acceptable conveyance.

306 Property Management

During such time such property, if any, in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for redevelopment, and such rental or lease shall be pursuant to such policies as the Agency may adopt.

307 Relocation of Persons (Including Individuals and Families), Business Concerns, and Others Displaced by the Project

If the Agency receives federal funds for real estate acquisition and relocation, the Agency shall comply with 24 C.F.R. Part 42, implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The Agency may also undertake relocation activities for those not entitled to benefit under federal law, as the Agency may deem appropriate for which funds are available. The Agency's activities should not result in the displacement of families within the area. In the event the Agency's activities result in displacement, the Agency shall compensate such residents by providing reasonable moving expenses into decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families. The Agency will not participate in any private redevelopment activity which will result in displacement of families unless a method exists for the relocation of displaced families in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families. For any other activity, the Agency will comply with the provisions of the Law regarding relocation.

The Agency reserves the right to extend benefits for relocation to those not otherwise entitled to relocation benefits as a matter of state law under the Act or the Law. The Agency may determine to use as a reference the relocation benefits and guidelines promulgated by the federal government, the state government, or local government, including the State Department of Transportation. The intent of this section is to allow the Agency sufficient flexibility to award relocation benefits on some rational basis, or by payment of some lump sum per case basis. The Agency may also consider the analysis of replacement value for the compensation awarded to either owner occupants or businesses displaced by the Agency to achieve the objectives of this Plan. The Agency may adopt relocation guidelines which would define the extent of relocation assistance in non-federally-assisted projects and which relocation assistance to the greatest extent feasible would be uniform. The Agency shall also coordinate with the various local, state, or federal agencies concerning relocation assistance.

For displacement of families, the Agency shall comply with, at a minimum, the standards set forth in the Law. The Agency shall also comply with all applicable state laws concerning relocation benefits. If such a program is considered, it shall be adopted by resolution of the Agency Board.

308 Demolition, Clearance, and Building and Site Preparation

308.1 Demolition and Clearance

The Agency is authorized (but not required) to demolish and clear buildings, structures, and other improvements from any real property in the Project Area as necessary to carry out the purposes of this Plan.

308.2 Preparation of Building Sites

The Agency is authorized (but not required) to prepare, or cause to be prepared, as building sites any real property in the Project Area owned by the Agency. In connection therewith, the Agency may cause, provide for, or undertake the installation or construction of streets, utilities, and other public improvements necessary to carry out this Plan. The Agency is also authorized (but not required) to construct foundations, platforms, and other structural forms necessary for the provision or utilization of air rights sites for buildings to be used for industrial, commercial, private, public, and other uses provided in this Plan. To the extent allowed by the Law and Act, the Agency may assist in the preparation of building sites by way of reclamation, remediation, or elimination of deteriorated conditions. The Agency is also authorized (but not required) to purchase certain site or building improvements for purpose of site preparation and development.

309 Property Disposition and Development

309.1 Real Property Disposition and Development

309.1.1 General

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property under the reuse provisions set forth in Idaho Code Section 50-2011. To the extent permitted by law, the Agency is authorized to dispose of real property by negotiated lease, sale, or transfer without public bidding.

Real property acquired by the Agency may be conveyed by the Agency and, where beneficial to the Project Area, without charge to any public body as allowed by law. All real property acquired by the Agency in the Project Area shall be sold or leased to public or private persons or entities for development for the uses permitted in this Plan.

All purchasers or lessees of property acquired from the Agency shall be obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

309.1.2 Disposition and Development Documents

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of deteriorating conditions, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, is subject to the provisions of this Plan.

The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to ensure that development is carried out pursuant to this Plan.

Leases, deeds, contracts, agreements, and declarations of restrictions of the Agency may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provisions necessary to carry out this Plan. Where appropriate, as determined by the Agency, such documents, or portions thereof, shall be recorded in the office of the Recorder of Ada County.

All property in the Project Area under the authority of the Agency is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, color, creed, religion, sex, age, national origin, disability/handicap, sexual orientation, gender identity, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area. All property sold, leased, conveyed, or subject to a participation agreement shall be expressly subject by appropriate documents to the restriction that all deeds, leases, or contracts for the sale, lease, sublease, or other transfer of land in the Project Area shall contain such nondiscrimination and nonsegregation clauses as required by law.

The land and/or air rights and subterranean rights acquired by the Agency will be disposed of subject to an agreement between the Agency and the Developers. The Developers (including owner/participants) will be required by the contractual agreement to observe the Land Use and Building Requirements provision of this Plan and to submit a Redevelopment Schedule satisfactory to the Agency. Schedule revisions will be made only at the option of the Agency.

As required by law or as determined in the Agency's discretion to be in the best interest of the Agency and the public, the following requirements and obligations shall be included in the agreement.

That the Developers, their successors, and assigns agree:

- a. That a plan and time schedule for the proposed development shall be submitted to the Agency.

- b. That the purchase or lease of the land and/or subterranean rights and/or air rights is for the purpose of redevelopment and not for speculation.
- c. That the building of improvements will be commenced and completed as jointly scheduled and determined by the Agency and the Developer(s).
- d. That there will be no discrimination against any person or group of persons because of disability/handicap, age, race, sex, creed, color, national origin, sexual orientation, gender identity, disability, or ancestry, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises or any improvements erected or to be erected thereon, therein conveyed; nor will the Developer himself or any person claiming under or through him establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy of tenants, lessees, sublessees, or vendees in the premises or any improvements erected, or to be erected thereon, therein conveyed. The above provision will be perpetual and will be appended to the land disposed of within the Project Area by the Agency.
- e. That the site and construction plans will be submitted to the Agency for review as to conformity with the provisions and purposes of this Plan.
- f. All new construction shall have a minimum estimated life of no less than twenty (20) years.
- g. That rehabilitation of any existing structure must assure that the structure is safe and sound in all physical respects and be refurbished and altered to bring the property to an upgraded marketable condition which will continue throughout an estimated useful life for a minimum of twenty (20) years.
- h. That the Agency receives adequate assurance acceptable to the Agency to ensure performance under the contract for sale.
- i. All such buildings or portions of the buildings which are to remain within the Project Area shall be reconstructed in conformity with all applicable codes and ordinances of the City.
- j. All disposition and development documents shall be governed by the provisions of Section 408 and 412 of this Plan.

The Agency also reserves the right to determine the extent of its participation based upon the achievements of the objectives of this Plan.

309.1.3 Development by the Agency

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop, or construct any publicly-owned building, facility, structure, or other improvement within the Project Area for itself or for any public body or entity, which buildings, facilities, structures, or other improvements are or would be of benefit to the Project Area. Specifically, the Agency may pay for, install, or construct the buildings, facilities, structures, and other improvements identified in Attachment 5, attached hereto and incorporated herein by reference, and may acquire or pay for the land required therefore.

The Agency may also prepare properties for development by renovation or other means as allowed by law. The Agency may also, as allowed by law, assist in the development of private projects.

In addition to the public improvements authorized under Idaho Code Section 50-2007, 50-2018, and 50-2903(9), (13), and (14), the Agency is authorized to install and construct, or to cause to be installed and constructed, within the Project Area for itself or for any public body or entity, public improvements and public facilities, including, but not limited to, the following: (1) utilities; (2) telecommunications (including fiber-optic) facilities; (3) parks, plazas, and pedestrian paths; (4) landscaped areas; (5) street improvements; (6) sanitary sewers; (7) flood control facilities and storm drains; (8) water mains; (9) canal crossings; (10) fire prevention; (11) school building or civic center; (12) community facilities, cultural facilities; (13) environmental remediation; (14) parking facilities; (15) youth service facilities; (16) police and fire facilities; (17) public art; and (18) other public infrastructure.

Any public facility ultimately owned by the Agency shall be operated and managed in such a manner to preserve the public purpose nature of the facility. Any lease agreement with a private entity or management contract agreement shall include all necessary provisions sufficient to protect the public interest and public purpose.

The Agency may enter into contracts, leases, and agreements with the City or other public body or private entity pursuant to this section, and the obligation of the Agency under such contract, lease, or agreement shall constitute an indebtedness of the Agency as described in Idaho Code Section 50-2909 which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under subdivision (2)(b) of Section 50-2908 of the Act and Section 504 to this Plan or out of any other available funds.

309.1.4 Development Plans

All development plans (whether public or private) prepared, pursuant to disposition and development or owner participation agreements, shall be submitted to the Agency for approval and architectural review. All development in the Project Area must conform to those standards specified in Sections 408 and 412, *infra*.

310 Personal Property Disposition

For the purposes of this Plan, the Agency is authorized to lease, sell, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property which is acquired by the Agency.

311 Rehabilitation and Conservation

The Agency is authorized to rehabilitate, renovate, and conserve, or to cause to be rehabilitated, renovated, and conserved, any building or structure in the Project Area owned by the Agency for preparation of redevelopment and disposition. The Agency is also authorized and directed to advise, encourage, and assist in the rehabilitation and conservation of property in the Project Area not owned by the Agency.

As necessary in carrying out this Plan, the Agency is authorized to move, or to cause to be moved, any substandard structure or building or any structure or building which can be rehabilitated to a location within or outside the Project Area.

312 Participation with Private Development or Public Development

Under the Law the Agency has the authority to lend or invest funds obtained from the federal government for the purposes of the Law if allowable under federal laws or regulations. The federal funds that may be available to the Agency are governed by regulations promulgated by the Department of Housing and Urban Development for the Idaho Community Development Block Grant Program ("ICDBG"), the Economic Development Administration, the Small Business Administration, or other federal agencies. In order to enhance such potential grant, the Agency's use of revenue allocation funds is critical.

Under those regulations the Agency may participate with the private sector in the development and financing of those private projects that will attain certain federal objectives.

The Agency may, therefore, use the federal funds for the provision of assistance to private for-profit business, including, but not limited to, grants, loans, loan guarantees, interest supplements, technical assistance, and other forms to support, for any other activity necessary or appropriate to carry out an economic development project.

As allowed by law, the Agency may also use funds from any other sources for any purpose set forth under the Law or Act.

The Agency may enter into contracts, leases, and agreements with the City, or other public body or private entity, pursuant to this section, and the obligation of the Agency under such contract, lease, or agreement shall constitute an indebtedness of the Agency as described in Idaho Code Section 50-2909 which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under subdivision 2(b) of Section 50-2908 of the Act and Section 504 to this Plan or out of any other available funds.

313 Conforming Owners

The Agency may, at the Agency's sole and absolute discretion, determine that certain real property within the Project Area presently meets the requirements of this Plan, and the owner of such property will be permitted to remain as a conforming owner without a participation agreement with the Agency, provided such owner continues to operate, use, and maintain the real property within the requirements of this Plan.

314 Arts Funding

The Agency encourages public art and performing arts through joint ventures with private developers and in cooperation with the City of Garden City. Whenever possible, any Agency arts funding will be used to leverage additional contributions from developers, other private sources, and public or quasi-public entities.

400 USES PERMITTED IN THE PROJECT AREA

401 Redevelopment Plan Map and Development Strategy

The Urban Renewal Project Area Map, the Revenue Allocation Map, and the Description of the Urban Renewal Project Area Boundaries, attached hereto as Attachments 1 and 2, incorporated by reference, describe the proposed land uses to be permitted in the Project Area for all land—public and private. The proposed land uses and permitted land uses are described in Attachment 4.

402 Designated Land Uses

The Agency intends to rely upon the overall land use designations and zoning classifications of the City, as depicted on Attachment 4 and as set forth in the City Comprehensive Plan, including the future land use map and zoning classifications. For the most part, the Project Area is proposed commercial general and service development, residential, and office all as more specifically defined in the Garden City Code. Provided, however, nothing herein within this Plan shall be deemed to be granting any particular right to zoning classification or use. The Agency also recognizes those land uses permitted by conditional uses under each zoning classifications subject to the conditions imposed by Garden City pursuant to the conditional use process.

403 [Reserved]

404 Public Rights-of-Way

Additional improvements to existing streets and easements may be created, improved, or extended in the Project Area as needed for development. Existing streets, easements, and irrigation or drainage laterals or ditches may be abandoned, closed, or modified as necessary for

proper development of the Project, in conjunction with any applicable policies and standards of the City or ACHD regarding changes to dedicated rights-of-way, and appropriate irrigation or drainage districts regarding changes to laterals or ditches.

Any changes in the existing interior or exterior street layout shall be in accordance with the objectives of this Plan and the City's design standards; shall be effectuated in the manner prescribed by State and local law; and shall be guided by the following criteria:

- a. A balancing of the needs of proposed and potential new developments for adequate vehicular access, vehicular parking, and delivery loading docks with the similar needs of any existing developments permitted to remain. Such balancing shall take into consideration the rights of existing owners and tenants under the rules for owner and tenant participation adopted by the Agency for the Project and any participation agreements executed thereunder;
- b. The requirements imposed by such factors as topography, traffic safety, and aesthetics; and
- c. The potential need to serve not only the Project Area and new or existing developments, but to also serve areas outside the Project by providing convenient and efficient vehicular access and movement.

The public rights-of-way may be used for vehicular and/or pedestrian traffic, as well as for public improvements, public and private utilities, and activities typically found in public rights-of-way.

405 Other Public, Semi-Public, Institutional, and Nonprofit Uses

The Agency is also authorized to permit the maintenance, establishment, or enlargement of public, semi-public, institutional, or nonprofit uses, including park and recreational facilities; educational, fraternal, employee, philanthropic and charitable institutions; utilities; governmental facilities; railroad rights-of-way and equipment; and facilities of other similar associations or organizations. All such uses shall, to the extent possible, conform to the provisions of this Plan applicable to the uses in the specific area involved. The Agency may impose such other reasonable requirements and/or restrictions as may be necessary to protect the development and use of the Project Area.

406 Interim Uses

Pending the ultimate development of land by developers and participants, the Agency is authorized to use or permit the use of any land in the Project Area for interim uses that are not in conformity with the uses permitted in this Plan. However, any interim use must comply with applicable City Code.

407 General Controls and Limitations

All real property in the Project Area, under the provisions of either a disposition and development agreement or owner participation agreement, is made subject to the controls and requirements of this Plan. No such real property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of this Plan, except in conformance with the provisions of this Plan.

407.1 Construction

All construction in the Project Area shall comply with all applicable state and local laws and codes in effect from time to time. In addition to applicable codes, ordinances, or other requirements governing development in the Project Area, additional specific performance and development standards may be adopted by the Agency to control and direct redevelopment activities in the Project Area in the event of a disposition and development agreement or owner participation agreement.

407.2 Rehabilitation and Retention of Properties

Any existing structure within the Project Area, subject to either a disposition and development agreement or owner participation agreement, approved by the Agency for retention and rehabilitation, shall be repaired, altered, reconstructed, or rehabilitated in such a manner that it will be safe and sound in all physical respects and be attractive in appearance and not detrimental to the surrounding uses.

407.3 Limitation on Type, Size, and Height of Buildings

Except as set forth in other sections of this Plan, the type, size, and height of buildings shall be as limited by applicable federal, state, and local statutes, ordinances, and regulations.

407.4 Open Spaces, Landscaping, Light, Air, and Privacy

The issues of open space, landscaping, light, air, and privacy shall be governed by applicable federal, state, and local laws and ordinances.

407.5 Signs

All signs shall conform to City sign ordinances as they now exist or are hereafter amended.

407.6 Utilities

The Agency shall require that all utilities be placed underground whenever physically and economically feasible.

407.7 Incompatible Uses

No use or structure which by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors which would be incompatible with the surrounding areas or structures shall be permitted in any part of the Project Area.

407.8 Nondiscrimination and Nonsegregation

There shall be no discrimination or segregation based upon race, color, creed, religion, sex, age, marital status, disability/handicap, sexual orientation, gender identity, national origin, or ancestry permitted in the sale, lease sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area under authority of the Agency.

407.9 Subdivision of Parcels

Any parcel in the Project Area shall be subdivided only in compliance with the City subdivision ordinance.

407.10 Minor Variations

Under exceptional circumstances, the Agency is authorized to permit a variation from the limits, restrictions, and controls established by this Plan. In order to permit such variation, the Agency must determine that:

- a. The application of certain provisions of this Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Plan;
- b. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions, and controls;
- c. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area; and
- d. Permitting a variation will not be contrary to the objectives of this Plan.

No variation shall be granted which changes a basic land use or which permits other than a minor departure from the provisions of this Plan. In permitting any such variation, the Agency shall impose such conditions as are necessary to protect the public peace, health, safety, or welfare and to assure compliance with the purposes of this Plan. Any variation permitted by the Agency hereunder shall not supersede any other approval required under City codes and ordinances.

408 Design for Development

Within the limits, restrictions, and controls established in this Plan, the Agency is authorized to establish heights of buildings, land coverage, setback requirements, design criteria, traffic circulation, traffic access, and other development and design controls necessary for proper development of both private and public areas within the Project Area. Any development must also comply with the City's zoning ordinance regarding heights, setbacks, and other like standards.

In the case of property which is the subject of a disposition and development or participation agreement with the Agency, no new improvement shall be constructed, and no existing improvement shall be substantially modified, altered, repaired, or rehabilitated, except in accordance with this Plan. Under those agreements the architectural, landscape, and site plans shall be submitted to the Agency and approved in writing by the Agency. One of the objectives of this Plan is to create an attractive and pleasant environment in the Project Area. Therefore, such plans shall give consideration to good design, open space, and other amenities to enhance the aesthetic quality of the Project Area. The Agency shall not approve any plans that do not comply with this Plan. The Agency reserves the right to impose such design standards on an ad hoc, case by case basis through the approval process of the owner participation agreement or disposition and development agreement. Any change to such approved design must be consented to by the Agency and such consent may be conditioned upon reduction of Agency's financial participation towards the Project.

In the event the Agency adopts design standards or controls, those provisions will thereafter apply to each site or portion thereof in the Project Area. Those controls and standards will be implemented through the provisions of any disposition and development agreement or owner participation agreement or by appropriate covenants appended to the land and instruments of conveyance executed pursuant thereto. These controls are in addition to any standards and provisions of any applicable City building or zoning ordinances; provided, however, each and every development shall comply with all applicable City zoning and building ordinance.

409 Off-Street Loading

Any development and improvements shall provide for off-street loading as required by the City ordinances as they now exist or are hereafter amended.

410 Off-Street Parking

All new construction in the area shall provide off-street parking as required by the City ordinances as they now exist or are hereafter amended.

411 Nonconforming Uses

The Agency may permit an existing use to remain in an existing building and site usage in good condition, which use does not conform to the provisions of this Plan, provided that such

use is generally compatible with existing and proposed developments and uses in the Project Area. The owner of such a property must be willing to enter into a participation agreement and agree to the imposition of such reasonable restrictions as may be necessary to protect the development and use of the Project Area.

The Agency may authorize additions, alterations, repairs, or other improvements in the Project Area for uses which do not conform to the provisions of this Plan where such improvements are within a portion of the Project where, in the determination of the Agency, such improvements would be compatible with surrounding Project uses and development.

All nonconforming uses shall also comply with the City ordinances.

412 Design Guidelines for Development under a Disposition and Development Agreement or Owner Participation Agreement

Under an owner participation agreement or a disposition and development agreement the design guidelines and land use elements of the Plan shall be achieved to the greatest extent feasible, though the Agency retains the authority to grant minor variations under Section 407.10 of this Plan and subject to a negotiated agreement between the Agency and the developer or property owner.

Under those agreements, the architectural, landscape, and site plans shall be submitted to the Agency and approved in writing by the Agency. In such agreements, the Agency may impose additional design controls. One of the objectives of this Plan is to create an attractive pedestrian environment in the Project Area. Therefore, such plans shall give consideration to good design and amenities to enhance the aesthetic quality of the Project Area. These additional design standards or controls will be implemented through the provisions of any disposition and development agreement or owner participation agreement or by appropriate covenants appended to the land and instruments of conveyance executed pursuant thereto. These controls are in addition to any standard and provisions of any applicable City building or zoning ordinances; provided, however, each and every development shall comply with all applicable City zoning and building ordinances.

413 Design Review

By submitting this Plan and attachments for approval by the City Council, the Agency requests the City formally recognize the Agency as a commenting entity for all zoning applications filed for property within the Project Area. As a commenting entity, the Agency shall be provided the type of information submitted to other commenting entities such as ACHD. The Agency, through the Agency Board or a subcommittee of the Board, shall provide its comments on the application and its compliance with the Plan provisions and design guidelines, if any, adopted by the Agency.

500 METHODS OF FINANCING THE PROJECT

501 General Description of the Proposed Financing Method

The Agency is authorized to finance this Project with financial assistance from the City, state of Idaho, federal government, interest income, Agency bonds, donations, loans from private financial institutions, the lease or sale of Agency-owned property, or any other available source, public or private, including assistance from any taxing district or any public entity as well as revenue allocation funds received pursuant to the Act.

The Agency is also authorized to obtain advances, borrow funds, and create indebtedness in carrying out this Plan. The principal and interest on such advances, funds, and indebtedness may be paid from any funds available to the Agency. The City, as it is able, may also supply additional assistance through City loans and grants for various public facilities.

The City or any other public agency may expend money to assist the Agency in carrying out this Project.

502 Revenue Bond Funds

As allowed by law and subject to restrictions as are imposed by law, the Agency is authorized to issue bonds from time to time, if it deems appropriate to do so, in order to finance all or any part of the Project. Neither the members of the Agency nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

503 Other Loans and Grants

Any other loans, grants, guarantees, or financial assistance from the United States, the state of Idaho, including ICDBG funds, or any other public or private source will be utilized if available. The Agency may consider funding sources through Local Improvement Districts as authorized by state law. Neither the members of the Agency nor any persons executing such loans or grants shall be liable on the loans or grants by reason of their issuance.

The Agency also intends to seek appropriate private contributions, where applicable, to assist in the funding of the activities described herein.

504 Revenue Allocation Financing Provisions

The Agency hereby adopts revenue allocation financing provisions as authorized by the Act, effective retroactively to January 1, 2012. These revenue allocation provisions shall apply to all taxing districts which are located in or overlap the Revenue Allocation Area described on Attachments 1 and 2 to this Plan. The Agency shall take all actions necessary or convenient to implement these revenue allocation financing provisions. The Agency specifically finds that the equalized assessed valuation of property within the Revenue Allocation Area is likely to increase as a result of the initiation of the Project.

The Agency, acting by one or more resolutions adopted by its Board, is hereby authorized to apply all or any portion of the revenues allocated to the Agency pursuant to the Act to pay as costs are incurred or to pledge all or any portion of such revenues to the repayment of any moneys borrowed, indebtedness incurred, or bonds issued by the Agency to finance or to refinance the Project Costs (as defined in Idaho Code Section 50-2903(14)) of one or more urban renewal projects.

Upon enactment of an ordinance by the governing body of the City finally adopting these revenue allocation financing provisions and defining the Revenue Allocation Area described herein as part of the Plan, there shall hereby be created a special fund of the Agency into which the County Treasurer shall deposit allocated revenues as provided in Idaho Code Section 50-2908. The Agency shall use such funds solely in accordance with Idaho Code Section 50-2909 and solely for the purpose of providing funds to pay the Project Costs, including any incidental costs, of such urban renewal projects as the Agency may determine by resolution or resolutions of its Board.

This Plan constitutes a statement listing proposed public improvements and facilities, an economic feasibility study, estimated project costs, fiscal impact upon other taxing districts, and methods of financing project costs required by Idaho Code Section 50-2905. This Plan necessarily incorporates estimates and projections based on the Agency's present knowledge and expectations. The Agency is hereby authorized to modify the presently anticipated urban renewal projects and use of revenue allocation financing of the related Project Costs if the Board deems such modification necessary or convenient to effectuate the general objectives of the Plan.

The Agency may also appropriate funds consisting of revenue allocation proceeds on an annual basis without the issuance of bonds. The Agency has also provided for obtaining advances or loans from the City or Agency from the other project area or private entity in order to immediately commence construction of certain of the public improvements. Revenues will continue to be allocated to the Agency until the improvements identified in Attachment 5 are completely constructed or until any obligation to the City or other public entity or private entity are fulfilled. Attachment 5 incorporates estimates and projections based on the Agency's present knowledge and expectations concerning the length of time to complete the improvements. The activity may take longer depending on the significance and timeliness of development. Alternatively the activity may be completed earlier if revenue allocation proceeds are greater or the Agency obtains additional funds.

The revenue allocation proceeds are hereby irrevocably pledged for the payment of the principal and interest on the advance of monies or making of loans or the incurring of any indebtedness such as bonds, notes, and other obligations (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project in whole or in part.

The Agency is authorized to make such pledges as to specific advances, loans, and indebtedness as appropriate in carrying out the Project.

The Agency reserves the right to either pay for Project Costs from available revenue (pay as you go basis) or borrow funds by incurring debt through notes or other obligations.

Revenue allocation proceeds are deemed to be only a part of the proposed funding sources for the payment of public improvements and other project improvements. Additionally, project funding is proposed to be phased for the improvements, allowing various sources of funds to be accumulated for use.

504.1 Economic Feasibility Study

This Plan, including Attachments 5, 5A, 5B, and 5C constitute the Economic Feasibility Study ("Study") for the urban renewal area. The Study constitutes the financial analysis required by the Act and is based upon existing information from the Agency and City. Projections are based upon input from the Agency, property owners, developers, and others.

504.2 Assumptions and Conditions/Economic Feasibility Statement

The information contained in Attachment 5 assumes certain completed and projected actions. Under the provisions of the Act, the revenue allocation shall continue until the debt or other obligations or other project activity is completed or satisfied. All debt is projected to be repaid no later than the duration period of the Plan. The total amount of bonded indebtedness (and all other loans or indebtedness) and the amount of revenue generated by revenue allocation are dependent upon the extent and timing of private development. Should all of the development take place as projected, the project indebtedness could be extinguished earlier, dependent upon the bond sale documents or other legal obligations. Should private development take longer to materialize or should the private development be substantially less than projected, then the amount of revenue generated will be substantially reduced and debt may continue for its full term.

The Plan and attachments incorporate estimates and projections based on the Agency's present knowledge and expectations. The study is based on assumptions concerning varying increases in value over the term of the plan. The study assumes a 2% increase in assessed value in 2013, 5% increase in other years, except for larger increases of 8% in 2016, 2017, 2018, 2019, and 12% in 2020 and 20204. The Agency may modify the project if the Board deems such modifications necessary to effectuate the Plan. The Plan proposes certain public improvements, including utility and street improvements, which will facilitate development in the Revenue Allocation Area.

The assumptions set forth in the Study are based upon the best information available to the Agency through public sources or discussions with property owners, developers, and others. The information has been analyzed by the Agency and its consultants in order to provide an analysis that meets the requirements set forth under the Law and Act. At the point in time when the Agency may seek a loan from lenders or others, a more detailed and then-current financial pro forma will be presented to those lenders or underwriters for analysis to determine the borrowing capacity of the Agency. As set forth herein, the Agency reserves the right to fund the

Project on a "pay as you go" basis. The Agency Board will prioritize the activities set forth in this Plan and determine what funds are available and what activities can be funded. The Agency will establish those priorities through its mandated annual budgetary process.

The assumptions concerning revenue allocation proceeds are based upon certain assessed value increases and assumed tax levy rates.

House Bill 1 adopted by the 58th Idaho Legislature convening in Special Session in August 2006 (codified at Idaho Code Section 33-802) repealed the operation and maintenance property tax levy imposed by school districts. House Bill 1 also repealed Idaho Code Section 50-2908(2)(a)(iii) which required certain revenue allocation funds to be disbursed to school districts. The financial analysis set forth in Attachment 5B has taken into account the provisions of Idaho Code § 33-802.

504.3 Ten Percent Limitation

Under the Act, the base assessed valuation for all revenue allocation areas cannot exceed gross/net ten percent (10%) of the current assessed valuation for the entire City. According to the Ada County Assessor, the base assessment roll for the Project Area as of January 1, 2012, is \$51,160,700, including personal property. The total assessed value for the City as of January 1, 2012, including personal property, is \$1,030,336,800. Therefore, the 10% limit is \$103,000,000. The adjusted base value for the River Front Urban Renewal Plan in 2012 is \$22,312,400. Therefore the combined base assessment values of \$22,312,400 and \$51,160,700 is less than 10% of the City's 2012 value. The base assessment roll for the Revenue Allocation Area does not exceed ten percent (10%) of the assessed value for the City. (Certain 42nd Street properties previously included in the River Front Plan as described in Section 200 have been deleted from the River Front Plan but are included in the River Front East Project Area. While this change may modify the base values stated above from one area to the other, there should be no overall impact.)

504.4 Financial Limitation

The Study identifies several capital improvement projects. Use of any particular financing source for any particular purpose is not assured or identified. Use of the funding source shall be conditioned on any limiting authority. If revenue allocation funds are unavailable, then the Agency will need to use a different funding source for that improvement.

The amount of funds available to the Agency from revenue allocation financing is directly related to the assessed value of new improvements within the Revenue Allocation Area. Under the Act, the Agency is allowed the revenue allocation generated from inflationary increases and New Development Value. Increases have been assumed based upon the projected value of new development as that development occurs along with possible land reassessment based on a construction start.

The Study, with the various estimates and projections, constitutes an economic feasibility study. Costs and revenues are analyzed, and the analysis shows the need for public capital funds during the project. Multiple financing sources including proposed revenue allocation notes and bonds, annual revenue allocations, developer contributions, city contributions, and other funds are shown. This Study identifies the kind, number, and location of all proposed public works or improvements, a detailed list of estimated project costs, a description of the methods of financing illustrating project costs, and the time when related costs or monetary obligations are to be incurred. See Idaho Code § 50-2905. Based on these funding sources, the conclusion is that the project is feasible.

The proposed timing for the public improvements may very well have to be modified depending upon the availability of some of the funds and the Agency's ability to sell an initial issue of notes or bonds.

Attachment 5C lists those public improvements which the Agency intends to construct through the term of the Plan. The costs of improvements are estimates only. Final costs will be determined by way of construction contract public bidding or by an agreement between the developer/owner and Agency.

The listing of public improvements does not commit the Agency to any particular improvement, any particular cost, or any particular order of construction. The Agency reserves its discretion and flexibility in deciding which improvements are more critical for redevelopment, and the Agency intends to coordinate its public improvements with associated development by private developers/owners. The Agency also intends to coordinate its participation in the public improvements with the receipt of certain grants or loans which may require the Agency's participation in some combination with the grant and loan funding.

Generally, the Agency expects to develop those improvements identified in Attachment 5C first, in conjunction with private development generating the increment as identified in Attachment 5A.

The Plan has shown that the equalized valuation of the Revenue Allocation Area as defined in the Plan is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Plan.

504.5 [Reserved]

504.6 Participation with Local Improvement Districts

Under the Idaho Local Improvement District Code, Chapter 17, Title 50, Idaho Code, the City has the authority to establish local improvement districts for various public facilities, including, but not limited to, streets, curbs, gutters, sidewalks, storm drains, landscaping, and other like facilities. To the extent allowed by the Law and the Act, the Agency reserves the authority to participate in the funding of local improvement district facilities. This participation

may include either direct funding to reduce the overall cost of the LID or to participate as an assessed entity to finance the LID project.

504.7 Issuance of Debt and Debt Limitation

Any debt incurred by the Agency as allowed by the Law and Act shall be secured by revenues identified in the debt resolution or revenue allocation funds as allowed by the Act. All such debt shall be repaid within the duration of this Plan.

504.8 Impact on Other Taxing Districts and Levy Rate

A specific delineation of tax dollars generated by revenue allocation upon each taxing district has not been prepared. The overall impact of the revenue allocation project is shown in the Study. Pursuant to Idaho Code Section 63-802, taxing entities are constrained in establishing levy rates by a function of the amount each budget of each taxing district can increase on an annual basis. The amounts set forth in the Study would constitute the amounts distributed to other taxing entities from the Revenue Allocation Area if there were no urban renewal project. Each individual district's share of that amount would be determined by its particular levy rate as compared to the other districts in any given year. Therefore, the impact of revenue allocation is more of a product of the imposition of Section 63-802. In addition, without the revenue allocation district and its ability to pay for public improvements and public facilities, fewer substantial improvements within the Revenue Allocation Area would be expected in the next five to ten years, hence there would be lower increases in assessed valuation to be used by the taxing entities.

If the overall levy rate is less than assumed, the Agency will receive fewer funds from revenue allocation. The assessed value for each property in a revenue allocation area consists of a base value and an increment value. The base value is the assessed value as of January 1 of the year in which a revenue allocation area is approved by a municipality, with periodic adjustments allowed by Idaho state code. The increment value is the difference between the base assessed value and current assessed value in any given year while the property is in a revenue allocation area. Under Section § 63-802, Idaho Code, taxing entities are constrained in establishing levy rates by the amount each budget of each taxing district can increase on an annual basis. Taxing entities submit proposed budgets to the County Board of Commissioners, which budgets are required to comply with the limitations set forth in Section 63-802, Idaho Code.

The County Board of Commissioners calculates the levy rate required to produce the proposed budget amount for each taxing entity using the assessed values which are subject to each taxing entity's levy rate. Assessed values in urban renewal districts which are subject to revenue allocation (incremental values) are not included in this calculation. The combined levy rate for the taxing entities is applied to the incremental property values in a revenue allocation area to determine the amount of property tax revenue which is allocated to an urban renewal agency. The property taxes generated by the property values in the urban renewal districts that are not subject to revenue allocation and by properties outside revenue allocation areas are distributed to the other taxing entities. Properties in revenue allocation areas are subject to the

same levy rate as they would be outside a revenue allocation area. The difference is how the revenue is distributed.

In addition, without the Revenue Allocation Area and its ability to pay for public improvements and public facilities, fewer substantial improvements within the Revenue Allocation Area would be expected in the next five to ten years; hence, there would be lower increases in assessed valuation to be used by the other taxing entities. If the overall levy rate is less than as assumed, the Agency shall receive fewer funds from revenue allocation.

One result of Section 63-802, Idaho Code, and Section 63-301A, Idaho Code, is the likely reduction of the levy rate as assessed values increase for property within each taxing entity's jurisdiction. If the overall levy rate is less than as assumed, the Agency shall receive fewer funds from revenue allocation. Likewise, as assessed values decrease, levy rates may increase. Section 63-301A, Idaho Code, prohibits taxing entities from including, as part of the new construction roll, the increased value related to new construction within a revenue allocation area until the revenue allocation authority is terminated. Any new construction within the Project Area will no longer be available for inclusion by the taxing entities to increase their budgets. Less tax revenue will be available to those taxing entities. Upon termination of this Plan, the taxing entities will be able to include the accumulated new construction roll value in setting the following year's budget. Generally, the impact on the taxing entities would be to determine the Agency's projected revenue and disburse those funds in the same ratio as the respective levy rates in the Revenue Allocation Area of each taxing district. For Tax Year 2011, those districts and rates are as follows:

Taxing Districts Levies:

Ada County	0.003323158
Garden City	0.004062187
School District No. 1	0.004452814 ²
Ada County Emergency Medical	0.000173961
Ada County Highway District	0.001290103
North Ada Fire and Rescue	0.002407323
Mosquito Abatement District	0.000037368
College of Western Idaho	0.000182042
TOTAL LEVY	0.015926456

As noted above, a result of Section 63-802, Idaho Code, is the likely decrease of the levy rate as assessed values increase for property within each taxing entity's jurisdiction. The Study has made certain assumptions concerning the levy rate, by estimating an increase in 2013 and then decreases of 1% through the term of the Plan. If the overall levy rate is less than projected, the Agency shall receive fewer funds from revenue allocation.

The 2008 Idaho Legislature passed and Governor Otter signed House Bill 470 as amended in the Idaho Senate, which bill became effective retroactive to January 1, 2008 (Session Laws, Chapter 253). The bill amended Idaho Code Sections 50-2908, 63-803, and 63-811. In

² Net levy rate after deductions required by House Bill 470.

brief, the bill provided that an urban renewal agency shall not be entitled to revenue allocation proceeds from certain levy increases which are allowed by either specific statutory authorization or approved by an election of the qualified electors of the particular taxing district. Therefore, for any levy election held after January 1, 2008, the Agency will not receive revenue allocation funds which would have been generated by imposing that levy on the assessed valuation within the Project Area. Additionally, as this Plan has been adopted after January 1, 2008, any voter approved levy adopted prior to January 1, 2008, will not be available for use by the Agency. The Study which is attached as Attachment 5B has taken this new statute into account.

505 Phasing and Other Fund Sources

The Agency anticipates funding only a portion of the entire cost of the public improvements shown on Attachment 5. Other sources of funds shall include developer contributions, City participation, and potential grants. Agency participation shall be determined by the amount of revenue allocation funds generated.

506 Lease Revenue, Parking Revenue, and Bonds

Under the Law, the Agency is authorized to issue revenue bonds to finance certain public improvements identified in the Plan. Under that type of financing, the public entity would pay the Agency a lease payment annually which provides certain funds to the Agency to retire the bond debt. Another variation of this type of financing is sometimes referred to as conduit financing, which provides a mechanism where the Agency uses its bonding authority for the Project, with the end user making payments to the Agency to retire the bond debt. These sources of revenues are not related to revenue allocation funds and may not be particularly noted in the Study, because of the "pass through" aspects of the financing. Under the Act, the economic feasibility study focuses on the revenue allocation aspects of the Agency's financial model.

These financing models typically are for a longer period of time than the 20-year period set forth in the Act. However, these financing models do not involve revenue allocation funds, but rather funds from the end users which provide a funding source for the Agency to continue to own and operate the facility beyond the term of the Plan as allowed by Idaho Code Section 50-2905(7) as those resources involve funds not related to revenue allocation funds.

600 ACTIONS BY THE CITY

The City shall aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of deteriorated and/or deteriorating conditions. Actions by the City may include, but not be limited to, the following:

- a. Institution and completion of proceedings necessary for changes and improvements in private and publicly owned public utilities within or affecting the Project Area.

- b. Revision of zoning (if necessary) within the Project Area to permit the land uses and development authorized by this Plan.
- c. Imposition, whenever necessary (by conditional use permits or other means as appropriate), of controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.
- d. Provision for administrative enforcement of this Plan by the City after development. The City and the Agency may develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Project Area throughout the duration of this Plan.
- e. Building Code enforcement.
- f. Performance of the above actions and of all other functions and services relating to public peace, health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
- g. Institutional and completion of proceedings necessary for the establishment of a local improvement district under Chapter 17, Title 50, Idaho Code.
- h. The undertaking and completing of any other proceedings necessary to carry out the Project.
- i. Administration of Idaho Community Development Block Grant funds that may be made available for this Project.
- j. Appropriate agreements with the Agency for administration, supporting services, funding sources, and the like.
- k. The waiver of any hookup or installation fee for sewer, water, or other utility services for any facility owned by the Agency.
- l. Joint funding of certain public improvements, including but not limited to improvements to sewer treatment facilities.
- m. Use of public entity labor, services, and materials for construction of the public improvements listed in this Plan.

The foregoing actions to be taken by the City do not constitute any commitment for financial outlays by the City.

601 Maintenance of Public Improvements

The Agency has not identified any commitment or obligation for long-term maintenance of the public improvements identified. The Agency will need to address this issue with the appropriate entity, public or private, who has benefited from or is involved in the ongoing preservation of the public improvement.

700 ENFORCEMENT

The administration and enforcement of this Plan, including the preparation and execution of any documents implementing this Plan, shall be performed by the Agency and/or the City.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, reentry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners.

800 DURATION OF THIS PLAN, TERMINATION, AND ASSET REVIEW

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan shall be effective for twenty (20) years from the date of adoption of the Plan by the City Council in 2012, which period shall expire on December 31, 2032, except for any revenue allocation proceeds received in calendar year 2033.

This Plan shall terminate no later than December 31, 2032, except for revenues from tax year 2032, which may be received in 2033. Either on January 1, 2032, or if the Agency determines an earlier termination date:

- a. When the Revenue Allocation Area plan budget estimates that all financial obligations have been provided for, the principal of and interest on such moneys, indebtedness, and bonds have been paid in full or when deposits in the special fund or funds created under this chapter are sufficient to pay such principal and interest as they come due, and to fund reserves, if any, or any other obligations of the Agency funded through revenue allocation proceeds shall be satisfied and the Agency has determined no additional project costs need be funded through revenue allocation financing, the allocation of revenues under Section 50-2908, Idaho Code, shall thereupon cease; any moneys in such fund or funds in excess of the amount necessary to pay such principal and interest shall be distributed to the affected taxing districts in which the Revenue Allocation Area is located in the same manner and proportion as the most recent distribution to the affected taxing districts of the taxes on the taxable property located within the Revenue

Allocation Area; and the powers granted to the urban renewal agency under Section 50-2909, Idaho Code, shall thereupon terminate.

- b. In determining the termination date, the Plan shall recognize that the Agency shall receive allocation of revenues in the calendar year following the last year of the revenue allocation provision described in the Plan. Section 50-2905(7), Idaho Code.
- c. For the fiscal year that immediately predates the terminate date, the Agency shall adopt and publish a budget specifically for the projected revenues and expenses of the Plan and make a determination as to whether the Revenue Allocation Area can be terminated before January 1 of the termination year pursuant to the terms of Section 50-2909(4), Idaho Code. In the event that the Agency determines that current tax year revenues are sufficient to cover all estimated expenses for the current year and all future years, by September 1, the Agency shall adopt a resolution advising and notifying the local governing body, the county auditor, and the State Tax Commission, recommending the adoption of an ordinance for termination of the Revenue Allocation Area by December 31 of the current year, and declaring a surplus to be distributed as described in Section 50-2909, Idaho Code, should a surplus be determined to exist. The Agency shall cause the ordinance to be filed with the office of the county recorder and the Idaho State Tax Commission as provided in Section 63-215, Idaho Code.

Upon termination of the revenue allocation authority of the Plan to the extent the Agency owns or possesses any assets, the Agency shall dispose of any remaining assets by granting or conveying or dedicating such assets to the City.

As allowed by Idaho Code Section 50-2905(8), the Agency may retain assets or revenues generated from such assets as loans; the Agency shall have resources other than revenue allocation funds to operate and manage such assets. The Agency may retain ownership of any parking facilities which may be constructed in the Project Area, as parking revenues may be sufficient to provide the resources necessary for the Agency to retain those assets. Similarly, facilities which provide a least income stream to the Agency for full retirement of the facility debt will allow the Agency to meet debt services obligations and provide for the continued operation and management of the facility.

For those assets which do not provide such resources or revenues, the Agency will likely convey such assets to the City, depending on the nature of the asset.

Upon termination of the revenue allocation authority of the Plan, to the extent the Agency owns or possesses any assets, the Agency shall dispose of any remaining assets by granting or conveying or dedicating such assets to the City.

900 PROCEDURE FOR AMENDMENT

The Plan may be further modified at any time by the Agency provided that, if modified after disposition of real property in the Project Area, the modifications must be consented to by the Developer or Developers or his successor or successors of such real property whose interest is substantially affected by the proposed modification. Where the proposed modification will substantially change the Plan, the modifications must be approved by the City Council in the same manner as the original Plan. Substantial changes for City Council approval purposes shall be regarded as revisions in project boundaries, land uses permitted, land acquisition, and other changes which will violate the objectives of this Plan. As a result of the adoption by the Idaho Legislature of House Bill 95, as amended in the House and as further amended in the Senate, certain amendments to an urban renewal plan are prohibited for plans adopted after July 1, 2011. Amendments proposing to add any geographical area are now limited to less than 10% of the existing revenue allocation area. Additionally, the added area must be contiguous to the existing revenue allocation area, and contiguity cannot be established solely by a shoestring or strip of land which comprises a railroad or public right of way. Any plan amendment will comply with these provisions now codified in Idaho Code Section 50-2033.

1000 SEVERABILITY

If any one or more of the provisions contained in this Plan to be performed on the part of the Agency shall be declared by any court of competent jurisdiction to be contrary to law, then such provision or provisions shall be null and void and shall be deemed separable from the remaining provisions in this Plan and shall in no way affect the validity of the other provisions of this Plan.

1100 ANNUAL REPORT

Under the Law, the Agency is required to file with the City, on or before March 31 of each year, a report of the Agency's activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such calendar year. As a result of the adoption by the Idaho Legislature of House Bill 95, as amended in the House and further amended in the Senate, beginning with annual reports reporting activity for 2011, which must be submitted by March 31, 2012, the agency shall be required to hold a public meeting to report the findings that constitute the annual report and to take comments from the public. (Idaho Code Section 50-2006(c)).

1101 APPENDICES, ATTACHMENTS, EXHIBITS, TABLES

All attachments and tables referenced in this Plan are attached and incorporated herein by their reference. All other documents referenced in this Plan but not attached are incorporated by their reference as if set forth fully.

Attachment 1

**Garden City Urban Renewal Agency
Boundary Description
River Front East Project Area and
Revenue Allocation Area**

Garden City Urban Renewal Agency Boundary Description Urban Renewal Project Area and Revenue Allocation Area

18 October 2012

An area consisting of approximately 240.41 acres enclosed within the following boundary:

Land being situate in the south one-half of Section 32 of Township 4 North, Range 2 East, and Section 5 and the southwest quarter of the southwest quarter of Section 4 of Township 3 North, Range 2 East, Ada County, Idaho, and including portions of Fairview Acres Subdivisions #1, #3, #5 and #7 and Waterfront District Subdivision, as shown on the official plats thereof on file in the office of the Ada County, Idaho, Recorder, and being more particularly described as follows:

Commencing at the section corner common to Sections 4, 5, 8 and 9 of Township 3 North, Range 2 East, Boise Meridian; thence $N00^{\circ}25'34''W$, 297.95 feet along the line common to said Sections 4 and 5 to the northwesterly right-of-way of Main Street and to the ***Point of Beginning***:

Thence $S67^{\circ}47'36''W$, 331.75 feet along the northwesterly right-of-way of Main Street to the extension of the northeasterly right-of-way of Chinden Boulevard;

Thence $N45^{\circ}44'00''W$, 656.57 feet along the northeasterly right-of-way of Chinden Boulevard to the southeasterly right-of-way of 31th Street;

Thence $N44^{\circ}16'00''E$, 157.50 feet along the southeasterly right-of-way of 31th Street to the centerline of Osage Street;

Thence $N45^{\circ}44'00''W$, 1,250.55 feet along the centerline of Osage Street to the extension of the northwesterly boundary of Lot 4 of Block 32 of said Fairview Acres Subdivision No. 5;

Thence $N51^{\circ}30'00''E$, 57.96 feet along the extension of and the northwesterly boundary of said Lot 4 to the most northerly corner of said Lot 4;

Thence $S45^{\circ}44'00''E$, 150.00 feet along the northeasterly boundary of Lot 4 to the most easterly corner of said Lot 4;

Thence $N51^{\circ}30'00''E$, 352.80 feet along the southeasterly boundary of said Block 32 to the northeasterly boundary of said Block 32;

Thence N45°44'00"W, 150.00 feet along the southeasterly boundary of said Block 32 to the most northerly corner of Lot 11 of Block 32 of said Fairview Acres Subdivision No. 5;

Thence S51°30'00"W, 252.00 feet along the northwesterly boundary of Lots 11 through 7 of Block 32 of said Fairview Acres Subdivision No. 5 to the most westerly corner of said Lot 7;

Thence N45°44'00"W, 150.00 feet along the southwesterly boundary of Lot 28 of Block 32 of said Fairview Acres Subdivision No. 5 to the most westerly corner of said Lot 28;

Thence S51°30'00"W, 158.76 feet along the northwesterly boundary of said Block 32 to the centerline of Osage Street;

Thence N45°44'00"W, 1,249.85 feet along the centerline of Osage Street to the extension of the southeasterly boundary of Lot 31 of Block 12 of Fairview Acres Subdivision No. 3;

Thence N44°16'00"E, 107.50 feet along the extension of and the southeasterly boundary of said Lot 31 to the most easterly corner of said Lot 31;

Thence N45°44'00"W, 300.00 feet along the northeasterly boundary of said Lot 31 to the most northerly corner of said Lot 31;

Thence S44°16'00"W, 107.50 feet along the northwesterly boundary of said Lot 31 and the extension thereof to the centerline of Osage Street;

Thence N45°44'00"W, 350.00 feet along the centerline of Osage Street to the extension of the northwesterly boundary of Lot 4 of Block 8 of Fairview Acres Subdivision No. 1;

Thence N44°16'00"E, 307.50 feet along the extension of and the northwesterly boundary of Lots 4 through 6 of Block 8 of Fairview Acres Subdivision No. 1 to the most northerly corner of said Lot 6;

Thence N45°44'00"W, 300.00 feet along the northwesterly boundary of Lot 29 of Block 8 of Fairview Acres Subdivision No. 1 to the most northerly corner of said Lot 29;

Thence S44°16'00"W, 307.50 feet along the northwesterly boundary of Lots 29 through 31 and the said boundary extended to the centerline of Osage Street;

Thence N45°44'00"W, 1,350.00 feet along the centerline of Osage Street to the southeasterly boundary extended of Block 5 of Fairview Acres Subdivision No. 1;

Thence N44°16'00"E, 807.50 feet along the extension of and the southeasterly boundary of Block 5 to the most easterly corner of Lot 11 of said Block 5;

Thence N45°44'00"W, 300.00 feet along the northeasterly boundary of said Lot 11 to the most northerly corner of said Lot 11;

Thence N44°16'00"E, 500.00 feet along the northwesterly boundary of Lots 12 through 16 of said Block 5 to the most northerly corner of said Lot 16;

Thence N45°44'00"W, 350.00 feet along the southwesterly boundary of Lot 18 of said Block 5 and the extension thereof to the most easterly corner of Lot 16 of Block 4 of said Fairview Acres Subdivision No. 1;

Thence S44°16'00"W, 200.00 feet along the southeasterly boundary of Lots 16 and 15 of said Block 4 to the most southerly corner of said Lot 15;

Thence N45°44'00"W, 300.00 feet along the southwesterly boundary of said Lot 15 to the most westerly corner of said Lot 15;

Thence N44°16'08"E, 1,795.09 feet along the northwesterly boundary of Lots 15 through 17 of said Block 4 and the extension thereof, and the northwesterly boundary of Lots 1 through 13 of Block 17 of said Fairview Acres Subdivision No. 3 to the most northerly corner of said Lot 13;

Thence S07°38'36"E, 381.08 feet along the easterly boundary of said Lot 13 to the southeasterly boundary of said Lot 13;

Thence S13°48'04"W, 49.31 feet to the centerline extended of 42nd Street;

Thence S44°16'00"W, 567.50 feet along the extension of and the centerline of 42nd Street to the extension of the northeasterly boundary of Lot 29 of Block 16 of said Fairview Acres Subdivision No. 3;

Thence S45°44'00"E, 325.00 feet along the extension of and the northeasterly boundary of said Lot 29 to the most easterly corner of said Lot 29;

Thence S44°16'00"W, 200.00 feet along the southeasterly boundary of Lots 29 and 30 of said Block 16 to the most southerly corner of said Lot 30;

Thence S45°44'00"E, 650.00 feet along the northeasterly boundary and the extension thereof of Lots 4 and 31 of Block 15 of said Fairview Acres Subdivision No. 3 to the most easterly corner of said Lot 31;

Thence N44°16'00"E, 100.00 feet along the northwesterly boundary of Lot 4 of said Block 15 to the most northerly corner of said Lot 4;

Thence S45°44'00"E, 159.81 feet along the northeasterly boundary of said Lot 4 to the westerly boundary of said Fairview Acres Subdivision No. 7;

Thence N07°57'00"E, 150.72 feet along the westerly boundary of said Fairview Acres Subdivision No. 7;

Thence N56°06'00"E, 4.64 feet along the northwesterly boundary of said Fairview Acres Subdivision No. 7 to the most northerly corner of Lot 16 of Block 2 of said Fairview Acres Subdivision No. 7;

Thence S39°55'00"E, 292.92 feet along the northeasterly boundary of said Lot 16 and the extension thereof to the northwesterly boundary extended of Block 3 of said Fairview Acres Subdivision No. 7;

Thence N50°05'28"E, 232.00 feet along the extension of and the northwesterly boundary of said Block 3 to the northeasterly boundary of said Block 3;

Thence N39°55'00"W, 49.45 feet along the northeasterly boundary of said Fairview Acres Subdivision No. 7 to the northerly boundary of land described in Instrument Number 8804227, records of Ada County, Idaho;

Thence S89°35'00"E, 256.53 feet along the northerly boundary of land described in said Instrument Number 8804227 to the northeasterly boundary of land described in said Instrument Number 8804227;

Thence S22°41'03"E, 510.65 feet along the northeasterly boundary of land described in said Instrument Number 8804227;

Thence S05°53'15"E, 95.07 feet along the easterly boundary of land described in said Instrument Number 8804227 to the northeasterly boundary of said Fairview Acres Subdivision No. 7;

Thence S31°27'00"E, 293.87 feet along the northeasterly boundary of said Fairview Acres Subdivision No. 7 to the most easterly corner of Lot 36 of Block 3 of said Fairview Acres Subdivision No. 7;

Thence S42°35'57"E, 315.75 feet to the most northerly corner of said Waterfront District Subdivision;

Thence the following courses and distances along the boundary of said Waterfront District Subdivision:

S52°36'00"E, 250.00 feet;
S55°30'00"E, 401.00 feet;
S42°30'00"E, 152.00 feet;
S37°00'00"E, 125.00 feet;
S27°30'00"E, 400.00 feet;
S05°00'00"E, 200.00 feet;
S04°30'00"W, 300.00 feet;
S11°30'00"W, 290.00 feet;
S10°00'00"E, 70.00 feet;
S03°30'00"W, 100.00 feet;
S10°59'57"W, 70.30 feet;
N32°00'00"W, 23.00 feet to the boundary of said Fairview Acres Subdivision No. 5;

Thence the following courses and distances along the boundary of said Fairview Acres Subdivision No. 5:

S00°10'09"E, 76.69 feet;
S08°39'09"W, 73.52 feet;
S05°23'05"E, 177.66 feet;
S01°44'00"E, 185.76 feet;
S11°46'09"E, 55.98 feet;
S09°40'07"E, 169.86 feet;
S16°04'02"E, 160.99 feet;
S12°44'04"E, 55.52 feet;
S21°08'31"E, 155.91 feet;
S30°16'25"E, 150.35 feet;
S18°02'26"E, 53.37 feet;
S35°59'37"E, 148.95 feet;
S39°59'46"E, 198.87 feet;
N51°30'00"E, 27.74 feet;
S10°39'10"E, 168.30 feet;
S12°23'44"E, 165.71 feet;
S00°47'35"E, 63.20 feet;
S08°05'50"E, 111.68 feet to the northwesterly right-of-way of Main Street;

Thence S67°47'36"W, 101.02 feet along the northwesterly right-of-way of Main Street to the ***Point of Beginning***.
AND INCLUDING adjoining public right-of-ways.

EXCEPTING THEREFROM the following lands:

Within Fairview Acres Subdivision No. 1:

The southeasterly 100 feet of Lot 17 of Block 5;
Lot 9 and the northeasterly 74.14 feet of Lot 8 of Block 6;
The northwesterly 200 feet of Lot 18 of Block 6;
Lot 7 and the southwesterly 20 feet of Lot 8 of Block 8.

Within Fairview Acres Subdivision No. 3:

Lots 8 through 11 of Block 12;
Lot 24 of Block 12;
Lot 28 and the southwesterly 20 feet of Lot 27 of Block 12.

Within Fairview Acres Subdivision No. 5:

Lots 33 and 34 of Block 28;
Lot 29 of Block 36;
Lot 31 and the northeasterly one-half of Lot 32 of Block 36;
Lot 33 and the southwesterly one-half of Lot 32 of Block 36;
Lots 10 and 11 of Block 37.

Within Fairview Acres Subdivision No. 7:

The southeasterly 13.5 feet of Lot 2 and Lot 1 of Block 1, except the following land within Lot 1, which is to be included in the Urban Renewal Area:

Beginning at the most easterly corner of said Lot 1, which is the ***Point of Beginning***:

Thence 100 feet along the northeasterly boundary of said Lot 1;

Thence southwesterly 84 feet, more or less, to a point on the southerly boundary of said Lot 1, 114 feet from the most easterly corner of said Lot 1;

Thence 114 feet along the southerly boundary of said Lot 1 to the ***Point of Beginning***.

Within Waterfront District Subdivision:

Lots 7 through 13 of Block 1;

Lots 16 through 19 of Block 1;

Lot 21 of Block 1;

Lots 23 and 24 of Block 1;

Lot 27 of Block 1;

Lots 29 and 30 of Block 1;

Lot 33 of Block 1;

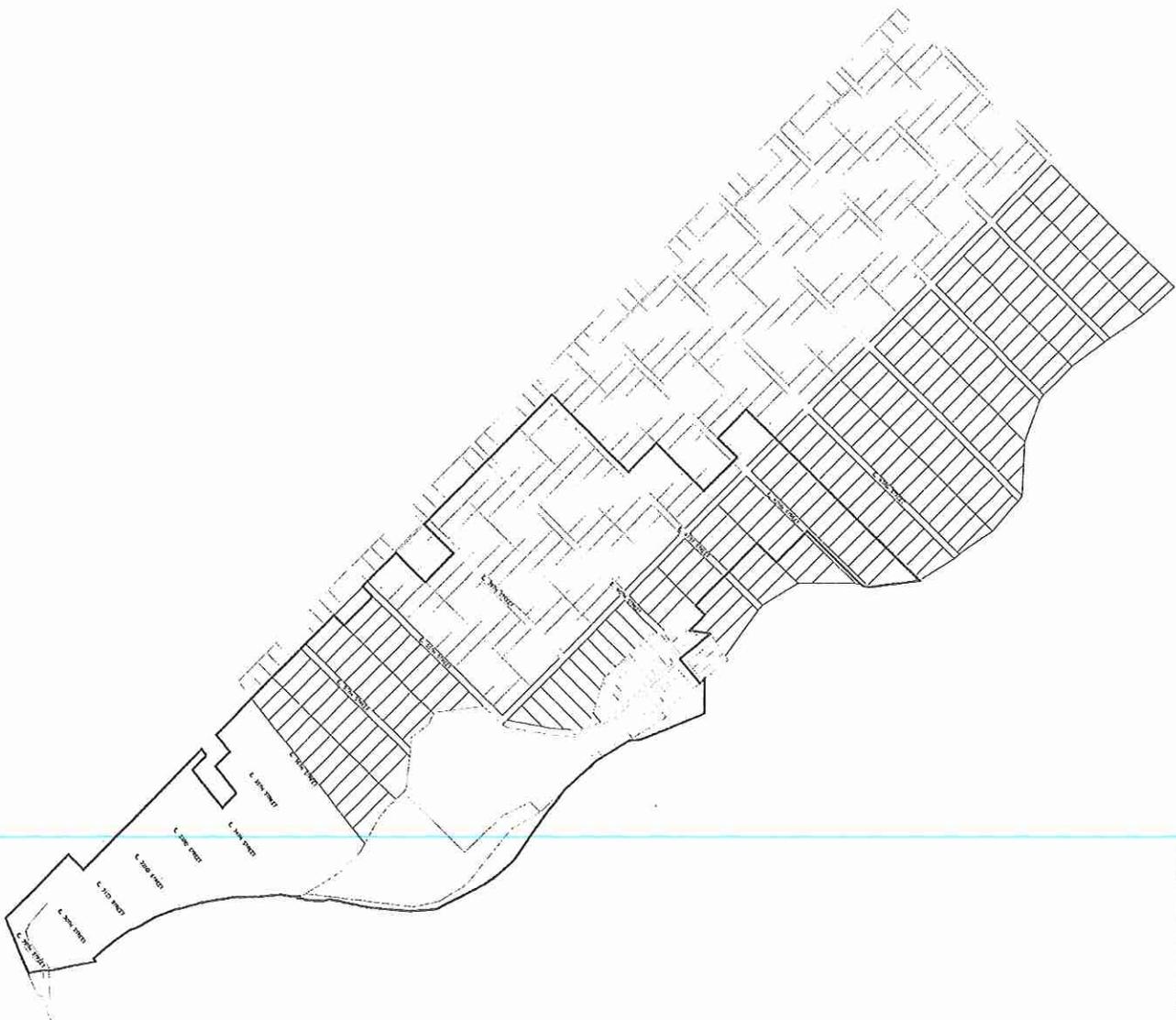
Lot 37 of Block 1;

Lots 39 through 64 of Block 1;

Lots 12 through 14 of Block 2;

Lots 23 through 27 of Block 2.

This description has been prepared from information of record in the Ada County Recorder's office and provided by the Garden City Urban Renewal Agency.



DATE: 10/20/2011
 DRAWN BY: J. SWANEY
 CHECKED BY: J. SWANEY
 PROJECT NO.: 10-00000000-0000
 SHEET NO.: 1

Map

Garden City Urban
Renewal Boundary



R&A Engineers, Inc.
 Consulting Engineers, Surveyors & Planners
 5505 W. Franklin Rd. Boise, Id. 83725
 (208) 243-3361

Attachment 2

River Front East Project Boundary and Revenue Allocation Area Map

The attached map shows the River Front East Project Area and Revenue Allocation Boundary, generally described as that area from Veterans Memorial Parkway on the west, Garden Street on the east, the Boise River on the north and the Osage right-of-way on the south, and property located on 42nd Street from Adams to the Boise River. All parcels included in both the Urban Renewal Area and the Revenue Allocation Area by boundaries are identified by the gray shading. The Revenue Allocation Area will consist of most, but not all, of the Urban Renewal Area. Those areas not included within the Revenue Allocation Area but within the Urban Renewal Area are those in white. The outside boundaries of the Urban Renewal Area and the Revenue Allocation Area are co-terminus.

City of Garden City
River Front East Urban Renewal Project
Project Area - Allocation Area
June 2012

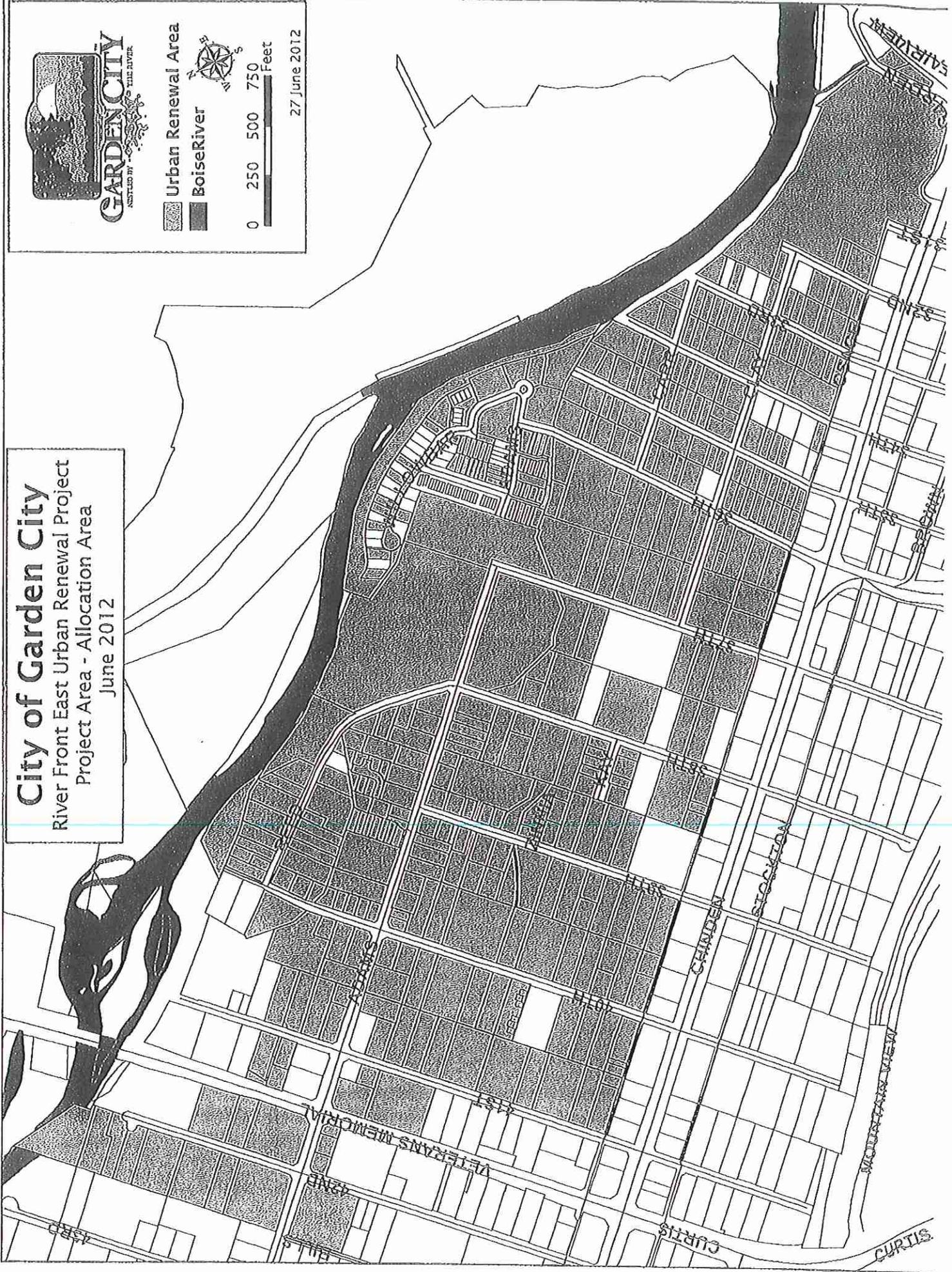


Urban Renewal Area
BoiseRiver



0 250 500 750 Feet

27 June 2012



Private Properties Which May Be Acquired by Agency

It should be noted that it is anticipated that not all the properties listed below will be acquired. If the goals of the River Front East Plan can be achieved by close coordination and design with private development, this is preferable, particularly with respect to Item 5. Acquisition by the Agency will be undertaken only when necessary. The Agency intends to rely upon voluntary negotiation for the acquisition of property needed to achieve the improvements described below. The ability of the Agency to acquire any of these properties will be dependent upon the availability of revenues from the various sources described in **Attachment 5**.

It should also be noted that it is anticipated that not all properties which may be included within the categories listed will be acquired.

1. Park Acquisition/Expansion and Improvement. Acquisition of property for park sites, open space, greenbelt use, and other park activities as set forth under the Garden City policies.
2. Public Facilities and Improvements. Acquisition of parcels for the acquisition and construction of public facilities and improvements as identified in the Garden City Comprehensive Plan.
3. Youth and Senior Facilities. Acquisition of parcels for the construction of youth or senior facilities providing recreational, community and other services for the youth and senior communities of Garden City.
4. Demonstration Projects. Property needed to provide adequately sized sites for high priority projects such as housing, public buildings and other community needs.
5. Public Rights-of-Way, Streets and Easements. Property needed for the expansion, improvement or construction of streets, sidewalks, curbs, gutters, streetscape, water and sewer lines, drainage facilities and other similar improvements, in conjunction with ACHD where applicable. The Agency has identified several areas and streets which will require improvement in order to provide improved and safer pedestrian use and enhance private development opportunity. Those areas include the following:
 - a. Adams Street from 40th Street east to 37th Street; 37th Street to Chinden, Clay from 37th Street to 32nd Street; and
 - b. The north/south streets connecting Chinden to the River from Veterans Memorial Parkway to 32nd Street.

The exact locations of these properties have not been identified. The Agency does not contemplate as part of this Plan substantial acquisition of real property with its limited funding sources. To the greatest extent feasible, the Agency will coordinate its use of funds with other activities within the area by either other public entities or private property owners/developers. These sites are tentative in nature and do not represent the specific identification of any site by this Plan.

Attachment 4

Maps Depicting Areas within Revenue Allocation and Project area:

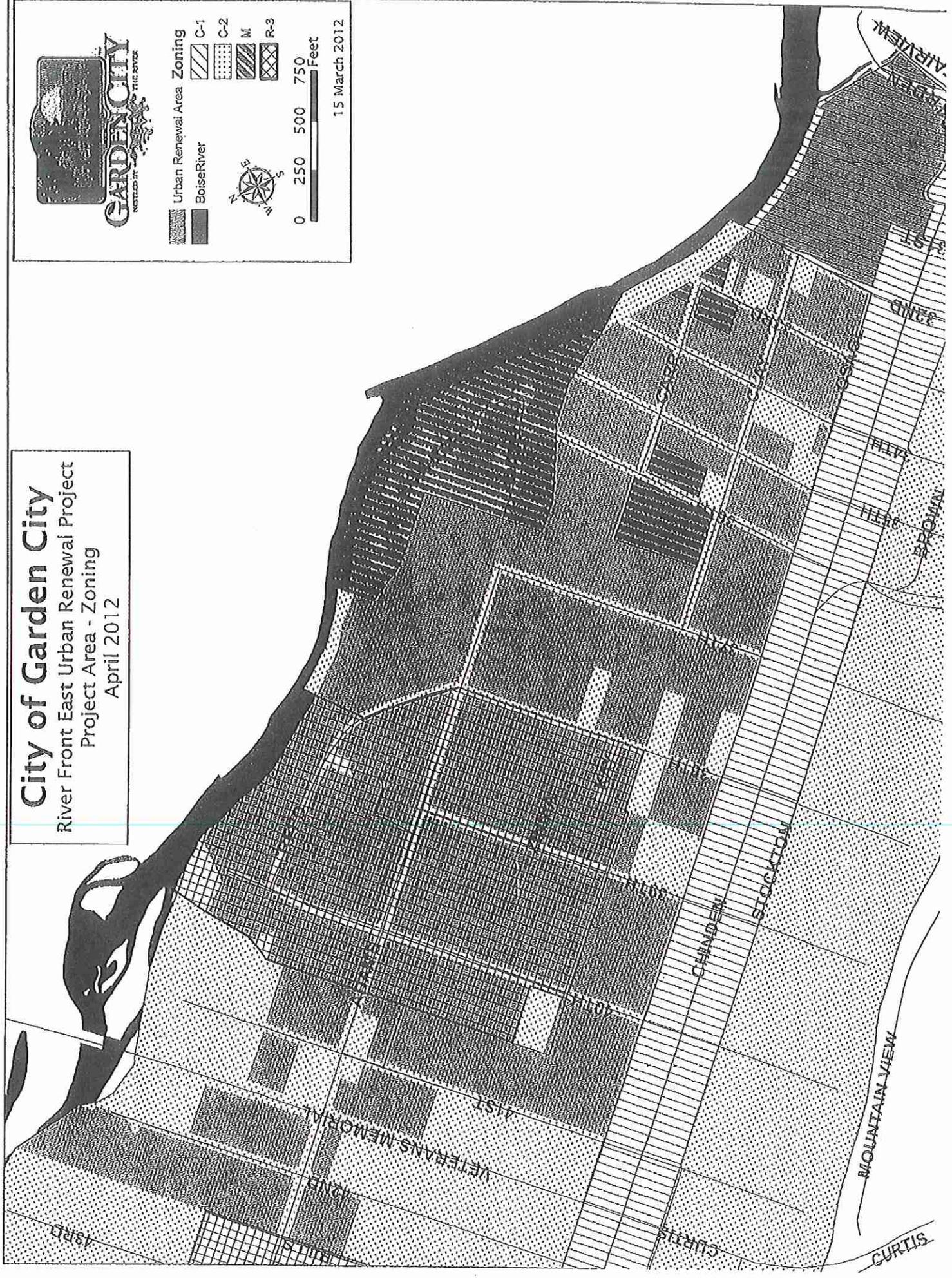
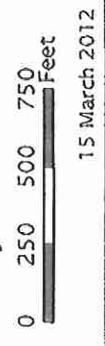
- Current Zoning
- Expected Land Uses
- Water and Sewer Lines (Sizes)

City of Garden City
 River Front East Urban Renewal Project
 Project Area - Zoning
 April 2012

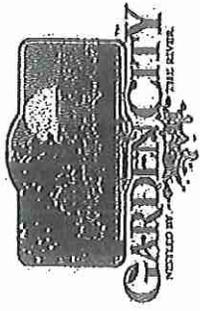


Urban Renewal Area Zoning

	Urban Renewal Area		C-1
	Boise River		C-2
			M
			R-3



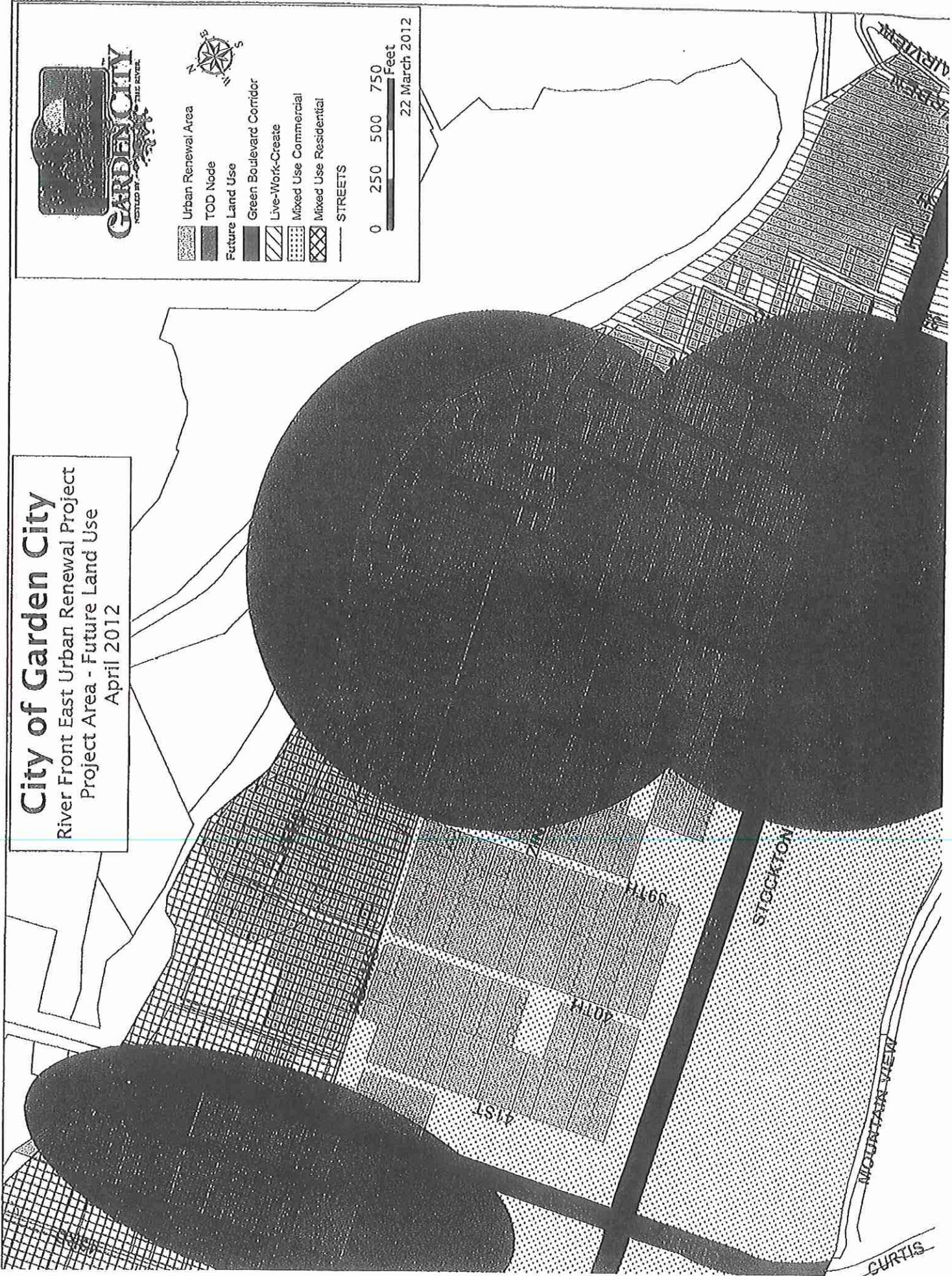
City of Garden City
 River Front East Urban Renewal Project
 Project Area - Future Land Use
 April 2012



- Urban Renewal Area
- TOD Node
- Future Land Use
- Green Boulevard Corridor
- Live-Work-Crete
- Mixed Use Commercial
- Mixed Use Residential
- STREETS



22 March 2012

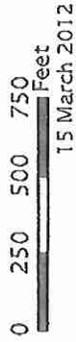
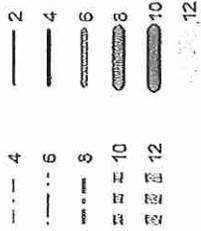


City of Garden City

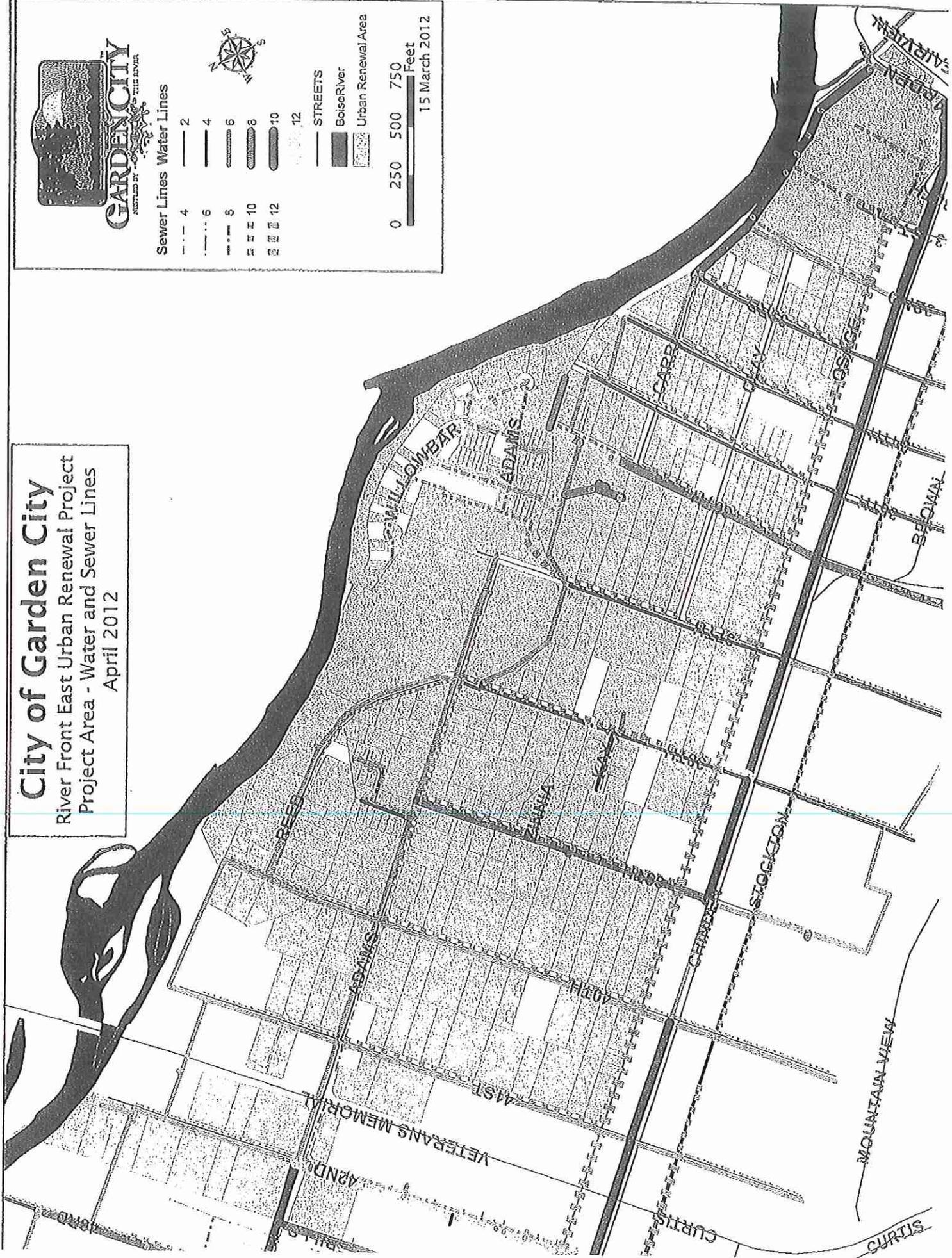
River Front East Urban Renewal Project
 Project Area - Water and Sewer Lines
 April 2012



Sewer Lines Water Lines



15 March 2012



Attachment 5

Statement of Proposed Public Improvements, Costs, Revenue, Tax Impacts, and Financing Methods

Introduction

Expenditure of funds for projects is anticipated through 2032.

Anticipated costs of the urban renewal project, revenue sources, estimated revenue allocations, and the amount of indebtedness required to complete the project are shown in Attachment 5. Attachment 5 necessarily incorporates estimates and projections based on the Agency's completed activities, present knowledge, and expectations. The Agency may modify the presently anticipated urban renewal projects and use of revenue allocation financing or the related project costs if the Board deems such modification necessary or convenient to effectuate the general objectives of the Plan. Any future modification will affect the estimate.

Attachment 5A also depicts estimated assessments of property value through 2032 and anticipated tax revenues through that same time period.

Attachment 5 also demonstrates the overall estimated impact of revenue allocation financing on all taxing districts in which the revenue allocation area is located. The impact on individual taxing districts would be determined by those districts' then-current levies and the projected addition of private investment within the Revenue Allocation Area.

The information contained in Attachment 5 assumes certain completed and projected actions. Under the provisions of the Act, the revenue allocation shall continue until any obligation is satisfied. All debt is projected to be repaid no later than the duration period of the Plan. Second, the total amount of bonded indebtedness and the amount of revenue generated by revenue allocation is dependent upon the extent and timing of private development. Attachment 5C projects expenditures through the term of the Plan. Should all of the development take place as projected, bonded or other indebtedness could be extinguished earlier, dependent upon the bond sale documents or other legal obligations. Should private development take longer to materialize, or should the private development be substantially less than projected, then the amount of revenue generated will be substantially reduced. In that instance certain public improvement projects may not be completed.

The Plan and attachments incorporate estimates and projections based on the Agency's present knowledge and expectations. The Agency may modify the project if the Board deems such modifications necessary to effectuate the Plan. The Plan proposes certain public improvements, including utility improvements, (including water and sewer improvements) streetscapes, street improvements, and other infrastructure cost, which will facilitate development in the Revenue Allocation Area.

Economic Feasibility Statement

The attachments, with their various estimates and projections, constitute an economic feasibility study. Costs and revenues are analyzed, and the analysis shows the need from public capital funds during the project. Multiple financing sources including proposed revenue allocation notes and bonds, annual revenue allocations, developer contributions, grant funds, in-kind services, and other funds are shown. This attachment identifies the kind, number, and location of all proposed public works or improvements, a detailed list of estimated project costs, a description of the methods of financing illustrating project costs, and the time when related costs or monetary obligations are to be incurred (see Idaho Code § 50-2905). Based on these funding sources, the conclusion is that the project is feasible.

The proposed timing for the public improvements may very well have to be modified depending upon the availability of some of the funds and the Agency's ability to sell an initial issue of notes or bonds, including a developer note.

Attachment 5A, Estimated Net Taxable Value of New Private Development, lists estimated increases in assessed value resulting from new development in the Revenue Allocation Area beginning in 2013.

Attachment 5B, Estimated Annual Tax Revenue Allocations, illustrates how the project's new development would generate net revenue to the Agency.

Attachment 5C, Estimated Annual Revenues and Costs, shows the estimated sources and uses of funds through 2032.

The analysis has assumed certain changes in the levy rates as a result of current statutory provisions and projections.

Description of Public Financing Sources

Revenue Allocation—Revenue allocation financing (sometimes referred to as tax increment financing) applies the increase in property taxes within a defined area to public infrastructure improvements. The improvements are designed to enhance the private development potential, thus creating the additional assessed valuation. The process is initiated upon action of a municipality, whereupon the county assessor will establish the assessed valuation within the Revenue Allocation Area for a base year. The incremental revenue may be applied directly as it is received by the authorized redevelopment agency or, more commonly, applied as a long-term revenue stream for the issuance of bonds or other debt obligations. Once the Plan has been fully implemented and/or the bonds or debt obligations have been retired, the incremental revenue flows back to the appropriate taxing districts in the same proportion as the base revenue. Revenue Allocation has been available in Idaho since 1988 and is anticipated to be the major, and thus most essential, component for Plan financing.

Loans and Notes—Problematic with Revenue Allocation financing is the time delay from initiation of Plan implementation and establishment of the base assessment roll. Several years may elapse before the incremental tax revenue stream can adequately demonstrate the strength necessary to issue bonds. Short-term notes or loans issued by local lenders or others are a means of providing the bridge financing necessary to begin development work. Bond proceeds can then be used to “take out” the notes. The Agency may borrow other funds from other sources as needed and authorized under the Plan.

Local Improvement Districts (LIDs)—This financing mechanism is used to fund capital improvements and distribute the cost among a number of property owners. Cities, counties and highway districts often use LIDs for local street and sewer projects. A series of ordinances are adopted to create the district, approve the assessment roll, and issue construction warrants and long-term bonds. The tax-exempt bonds are issued through bid or negotiated sale with revenue collection tied to the property tax system. Bond terms are usually ten years.

SBA 504 Program—This program uses the public sale of reduced interest debentures to write-down commercial loans for commercial and limited industrial projects.

Community Reinvestment—Local lenders are making funds available at below-market interest rates in order to meet their Community Reinvestment Act obligations.

Community Development Block Grant (CDBG)—In order to achieve the objectives set forth in this Plan, the City may submit an application from time to time for Idaho Community Development Block Grant funding. Such application must meet certain eligibility objectives. The grant is constrained to a specific list of eligible activities. However, Community Development Block Grant funding may be of some assistance in portions of the Agency's funding objectives.

Developer Advances—Given the delayed flow of revenue under tax increment financing, developer advances may be a desirable approach to initiate development projects. The terms of the advance would be negotiable on a project-by-project basis, but possible uses could be master planning, project administrations, necessary legal work, and even preliminary public infrastructure work.

City or Agency Advances—City or the Agency from its other project area may provide advances or contributions for certain public improvements.

Conduit Financing—The Agency reserves the right to participate as a conduit financing vehicle for those projects described in this Plan, using lease or revenue proceeds, rather than revenue allocation proceeds.

Financing Conclusion

The Plan has shown that the equalized valuation of the Revenue Allocation Area as defined in the Plan is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Plan.

Attachment 5A

**Garden City River Front East Urban Renewal Area
Estimated Net Taxable Value of New Private Development
And Estimated Garden City Growth Rates**

		Annual	Annual	
		Increment	Increment	Cum
Year	Base	%	Value	Total
2012	51,160,000			51,160,000
2013	51,160,000	2%	1,023,200	52,183,200
2014	51,160,000	5%	2,558,000	54,741,200
2015	51,160,000	5%	2,558,000	57,299,200
2016	51,160,000	8%	4,092,800	61,392,000
2017	51,160,000	8%	4,092,800	65,484,800
2018	51,160,000	8%	4,092,800	69,577,600
2019	51,160,000	8%	4,092,800	73,670,400
2020	51,160,000	12%	6,139,200	79,809,600
2021	51,160,000	5%	2,558,000	82,367,600
2022	51,160,000	5%	2,558,000	84,925,600
2023	51,160,000	5%	2,558,000	87,483,600
2024	51,160,000	12%	6,139,200	93,622,800
2025	51,160,000	5%	2,558,000	96,180,800
2026	51,160,000	5%	2,558,000	98,738,800
2027	51,160,000	5%	2,558,000	101,296,800
2028	51,160,000	5%	2,558,000	103,854,800
2029	51,160,000	5%	2,558,000	106,412,800
2030	51,160,000	5%	2,558,000	108,970,800
2031	51,160,000	5%	2,558,000	111,528,800
2032	51,160,000	5%	2,558,000	114,086,800

Notes: Generally reflects value of construction completed in the first year indicated and assessed in the following year but can include buildidngs and subsequent/missed roll (personal property) values for the following year

6.18.12

Attachment 5B

**Garden City River Front East Urban Renewal Area
Estimated Annual Revenue Allocation
Based on Estimated New Private Development
And Estimated Garden City Growth Rate**

Year	Base (MM's)	Increment %	Increment Value	Cum Total	Tax Levy Rate	Agency Revenue
2012	51160		0	0	0.015926456	Base Year
2013	51160	2%	1023200	1023200	0.016400000	0
2014	51160	5%	2558000	3581200	0.016236000	16780
2015	51160	5%	2558000	6139200	0.016073640	58144
2016	51160	8%	4092800	10232000	0.015912904	98679
2017	51160	8%	4092800	14324800	0.015753775	162821
2018	51160	8%	4092800	18417600	0.015596237	225670
2019	51160	8%	4092800	22510400	0.015440274	287245
2020	51160	12%	6139200	28649600	0.015285872	347567
2021	51160	5%	2558000	31207600	0.015133013	437934
2022	51160	5%	2558000	33765600	0.014981683	472265
2023	51160	5%	2558000	36323600	0.014831866	505866
2024	51160	12%	6139200	42462800	0.014683547	538747
2025	51160	5%	2558000	45020800	0.014536712	623505
2026	51160	5%	2558000	47578800	0.014391345	654454
2027	51160	5%	2558000	50136800	0.014247431	684723
2028	51160	5%	2558000	52694800	0.014104957	714321
2029	51160	5%	2558000	55252800	0.013963907	743258
2030	51160	5%	2558000	57810800	0.013824268	771545
2031	51160	5%	2558000	60368800	0.013686026	799192
2032	51160	5%				826209
Notes:						
1) Tax levy rate is estimated to decrease by 1% per year from 2013						
2) Agency Revenue is estimated valuation times tax levy rate. The amount shown as "Agency Revenue" is the amount that, absent allocation authority, would be distributed to the other taxing entities in proportion to their respective annual levies. Also see Section 504.8 of the main text.						
7.13.12						

Attachment 5C

GARDEN CITY RIVER FRONT EAST URBAN RENEWAL DISTRICT
PROJECTED REVENUE AND EXPENSES - FY2012 - 2032

Fiscal Year Ending	2012/2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Beginning Balance	0	0	6780	19924	17603	14424	27094	21339	17906	21840	36105	31971
Sources of Funds:												
Revenue Allocation	0	16780	58144	98679	162821	225670	287245	347567	437934	472265	505866	538747
City Funding	285000	0	0	0	0	0	0	0	0	0	0	0
ACHD	750000	0	0	0	0	0	350000	0	350000	0	0	350000
URA Loan	25000	10000	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	1000	1000	1000	1000	5000	5000	5000
Total Available	1060000	26780	64924	118603	180424	241094	665339	369906	806840	499105	546971	925718
Uses of Funds:												
Public Infrastructure:												
Parks/Greenbelt	0	0	10000	50000	20000	2000	2000	100000	3000	3000	200000	10000
Streetscape/Lights	0	0	0	5000	0	0	5000	50000	0	0	0	25000
Streets	750000	0	0	0	0	0	525000	0	550000	0	0	500000
Water/Sewer	285000	0	0	0	75000	150000	80000	150000	200000	370000	270000	325000
Other Public Facilities	0	0	0	0	40000	30000	0	2000	0	5000	0	0
Youth/Senior Projects	0	0	0	1000	1000	2000	2000	2000	2000	5000	5000	5000
Reimburse URA Loan	0	0	15000	20000	0	0	0	0	0	0	0	0
Admin./Prof Services	25000	15000	15000	20000	25000	25000	25000	25000	25000	30000	30000	30000
Miscellaneous	0	5000	5000	5000	5000	5000	5000	5000	5000	5000	10000	10000
Total Use of Funds	1060000	20000	45000	101000	166000	214000	644000	352000	785000	463000	515000	905000
End Balance	0	6780	19924	17603	14424	27094	21339	17906	21840	36105	31971	20718

NOTE: These are preliminary projections and are reflective of current market and infrastructure conditions and are subject to change.

ACHD has not committed to any projects or financial contributions beyond the \$750,000 commitment for construction of 36th

Street in 2013. Tax Income Revenue may be more or less than projected, based on property assessments, local taxing

entity levy rates, new development in the project area and other variables that may be subject to change from year to year.

River Front East Water Line Priorities***

		Address		Requested Work
	2013	East 36th Street	\$285,000	Replace existing 8" line with 12" line from Well 4 to Chinden
		East 38 & Kay Street		Replace existing 4" line with 12" line
		Stockton		Replace by section 12" line
		Carr Street: East 36th to East 33rd		Replace existing 6" line with 12" line from East 34th to East 33rd. Install new 12" line from East 34th to East 36th.
		East 37th Street: Adams to Chinden		Replace existing 4" line with 12" line
		East 37th to East 38th		Abandon 6" water line * note: this needs to be done in conjunction with items 2 and 4 and only if ACHD remains on property
		Adams Street		Replace 6" line with 12" line from East 42nd to East 37th
		East 31st: Chinden through Riverside Property to East 32nd		Replace existing 4" with 12" creating a "loop" and eliminating a current system deadend.
		East 32nd: Chinden to Greenbelt		Replace existing 6" line with 12" line
		East 33rd : Chinden to Carr		Repace existing 4" line with 12" line

River Front East Sewer Line Priorities***

Priority	Address	Requested Work
1	West 38th Street & Stockton	Replace manhole
2	West 38th Street	Replace 400 feet of line
3	West 41st Street	Replace 408 feet of line
4	West 40th Street & Stockton to West 39th	Replace 650 feet of line
5	West 30th Street & Stockton to Manhole 1-03-26	Replace 200 feet of line
6	West 30th Street & Stockton to manhole 11-03-25A	Replace 200 feet of line
7	West 30th Street & Stockton to West 31st Street	Replace 350 feet of line
8	East 38th Street from Adams to Manhole 11-11-05	Replace 212 feet of line
9	East 40th Street from Adams to Osage	Replace 1,420 feet of line
10	East 41st from Adams to Osage	Replace 1,419 feet of line
11	East 34th Street from Clay to Osage	Replace 408 feet of line

*** Priorities subject to change based on water and sewer lines maintenance conditions

Exhibit 4
CITY OF GARDEN CITY

SUMMARY OF ORDINANCE NO. 954-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN CITY, IDAHO, APPROVING THE RIVER FRONT EAST URBAN RENEWAL PROJECT URBAN RENEWAL PLAN, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GARDEN CITY:

SECTION 1: It is hereby found and determined that:

- (a) The Project Area as defined in the Plan is a deteriorated or a deteriorating area as defined in the Law and the Act and qualifies as an eligible urban renewal area under the Law and Act.
- (b) The rehabilitation, conservation, and redevelopment of the urban renewal area pursuant to the Plan are necessary in the interests of public health, safety, and welfare of the residents of the City.
- (c) There continues to be a need for the Agency to function in the City.
- (d) The Plan conforms to the Comprehensive Plan for the city of Garden City.
- (e) The Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the mixed use components of the Plan and the need for overall public improvements), and shows consideration for the health, safety, and welfare of any residents or businesses in the general vicinity of the urban renewal area covered by the Plan.
- (f) The Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation and redevelopment of the urban renewal area by private enterprises.
- (g) The Plan provides a feasible method for relocation of any displaced families residing within the urban renewal area.

(h) The collective base assessment roll of the existing revenue allocation area and the new Plan area do not exceed ten percent (10%) of the assessed value of the City.

(i) The Plan includes the requirements set out in Idaho Code § 50-2905.

SECTION 2: The City Council finds that the Project Area and Revenue Allocation Area do not consist of predominantly open land, that the Agency does not intend to acquire any open land on any widespread basis, and that the Project Area is planned to be redeveloped in a manner that will include nonresidential uses. Provided, however, the City Council finds that if portions of the Project Area and Revenue Allocation Area are deemed “open land,” the criteria set forth in the Law and Act has been met.

SECTION 3: The City Council finds that the Plan meets the sound needs of the City and will provide opportunities in an area that does not now contain such opportunities, and nonresidential uses are necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Comprehensive Plan for the city of Garden City, as amended to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.

SECTION 4: The Plan, a copy of which is attached hereto and marked as Exhibit 3 and made a part hereof by attachment, be, and the same hereby is, approved. As directed by the City Council, the City Clerk and/or the Agency may make certain technical corrections or revisions in keeping with the information and testimony presented at the September 24, 2012, hearing, and incorporate changes or modifications, if any.

SECTION 5: That the City Council declares that nothing within the Plan is intended or shall be interpreted to usurp the jurisdiction and authority of the Ada County Highway District as defined in Chapter 14, Title 40, Idaho Code. Further, pursuant to Section 40-1415, Idaho Code, the Ada County Highway District has authority over the planning, location, design, construction, reconstruction, and maintenance of the City rights-of-way and accompanying curbs, gutters, culverts, sidewalks, paved medians, bulkheads, and retaining walls. In the planning process, the District shall take into consideration the planning principles contained in the Plan.

SECTION 6: No direct or collateral action challenging the Plan shall be brought prior to the effective date of this Ordinance or after the elapse of thirty (30) days from and after the effective date of this Ordinance adopting the Plan.

SECTION 7: Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Tax Assessor of Ada County and to the appropriate officials of Ada County Board of County Commissioners, Ada County Emergency Medical Services, Independent School District of Boise No. 1, City of Garden City, North Ada Fire and Rescue, Mosquito Abatement District, College of Western Idaho, Ada County Highway District, and the State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundaries of the Revenue Allocation Area, and a map or plat indicating the boundaries of the Revenue Allocation Area.

SECTION 8: The City Council hereby finds and declares that the Revenue Allocation Area as defined in the Plan (defined as the Project Area in the Plan), the equalized assessed valuation of which the Council hereby determines is in and is part of the Plan is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Plan.

SECTION 9: The City Council hereby approves and adopts the following statement policy relating to the appointment of City Council members as members of the Agency's Board of Commissioners: If any City Council members are appointed to the Board, they are not acting in an ex officio capacity but, rather, as private citizens who, although they are also members of the City Council, are exercising their independent judgment as private citizens when they sit on the Board. Except for the powers to appoint and terminate Board members and to adopt the Plan, the City Council recognizes that it has no power to control the powers or operations of the Agency.

SECTION 10: So long as any Agency bonds, notes or other obligations are outstanding, the City Council will not exercise its power under Idaho Code Section 50-2006 to designate itself as the Agency Board.

SECTION 11: This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2012, to the extent permitted by the Act.

SECTION 12: The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this Ordinance.

SECTION 13: The Summary of this Ordinance, a copy of which is attached hereto as Exhibit 4, is hereby approved.

SECTION 14: All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

SECTION 15: SAVINGS CLAUSE: This ordinance does not affect an action or proceeding commenced or right accrued before this ordinance takes effect.

PASSED by the City Council of the city of Garden City, Idaho, on this 22nd day of October, 2012.

APPROVED by the Mayor of the city of Garden City, Idaho, on this 22nd day of October, 2012.

EXHIBITS TO THE ORDINANCE

- Exhibit 1 Findings and Recommendations Finding the River Front East Urban Renewal Project Urban Renewal Plan In Conformity With Comprehensive Plan
- Exhibit 2 Notice Published in the *Idaho Statesman*
- Exhibit 3 River Front East Urban Renewal Project Urban Renewal Plan
- Exhibit 4 Ordinance Summary

SUMMARY OF PLAN

The River Front East Urban Renewal Project Urban Renewal Plan (“Plan”) was prepared by the urban renewal agency of the city of Garden City, the Garden City Urban Renewal Agency (“Agency”) pursuant to the state of Idaho Urban Renewal Law, the Local Economic Development Act, the Idaho Constitution, and all applicable laws and ordinances and was approved by the Agency. The Plan provides for the Agency to undertake urban renewal projects pursuant to the Idaho Urban Renewal Law of 1965 as amended. The Plan contains a revenue allocation financing provision pursuant to the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, that will cause property taxes resulting from any increases in equalized assessed valuation in excess of the equalized assessed valuation as shown on the original base assessment roll as of January 1, 2012, to be allocated to the Agency for the urban renewal purposes.

The general scope and objectives of the Plan are:

- a. The provision of adequate land for parks, open space, street rights-of-way and pedestrian rights-of-way;
- b. The construction, reconstruction and improvement of major street corridors to allow traffic flows to move through the development along with the accompanying utility connections, through the Project Area; including relocating certain utilities to underground facilities;
- c. The provision of public service utilities such as water system improvements, sewer system improvements (which may be located outside the Project Area);
- d. The elimination of environmental deficiencies in the Project Area, including, among others, deteriorated and inadequate public improvements including certain streets and improvements; improvements to public utilities including water and sewer improvements, fire protection systems; streetlights; other public improvements; removal, burying, or relocation of overhead utilities; extension of electrical distribution lines and transformers; and improvement of irrigation and drainage ditches and laterals;

- e. The assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area;
- f. The replanning, redesign, and development of undeveloped or underdeveloped areas which are stagnant or improperly utilized because of limited traffic access, underserved utilities, and other site conditions;
- g. The strengthening of the economic base of the Project Area and the community by the installation of needed site improvements to stimulate new private development providing, employment, and economic growth;
- h. The establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project, including commitment of funds for planning studies, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources;
- i. The strengthening of the tax base by encouraging private development, thus increasing the assessed valuation of properties within the Revenue Allocation Area and the Project Area as a whole and benefiting the various taxing districts in which the urban renewal area is located; and
- j. The funding of necessary public infrastructure to accommodate both public and private development.

Any such land uses as described in the Plan will be in conformance with zoning for the city of Garden City and the Comprehensive Plan, as adopted by the City Council. Land made available will be developed by private enterprises or public agencies as authorized by law. The Plan identifies various public and private improvements which may be made within the Urban Renewal Area.

The Urban Renewal Project Area and Revenue Allocation Area herein referred to is located generally as follows:

An area consisting of approximately 199 acres from Veterans Memorial Drive on the west, Garden Street on the east, the Boise River on the north, and the Osage Street right-of-way on the south, along with certain properties west of Veterans Memorial Drive, past 42nd Street to Bills Avenue extending to the Boise River.

**Garden City Urban Renewal Agency
Boundary Description
Urban Renewal Project Area and
Revenue Allocation Area**

18 October 2012

An area consisting of approximately 240.41 acres enclosed within the following boundary:

Land being situate in the south one-half of Section 32 of Township 4 North, Range 2 East, and Section 5 and the southwest quarter of the southwest quarter of Section 4 of Township 3 North, Range 2 East, Ada County, Idaho, and including portions of Fairview Acres Subdivisions #1, #3, #5 and #7 and Waterfront District Subdivision, as shown on the official plats thereof on file in the office of the Ada County, Idaho, Recorder, and being more particularly described as follows:

Commencing at the section corner common to Sections 4, 5, 8 and 9 of Township 3 North, Range 2 East, Boise Meridian; thence $N00^{\circ}25'34''W$, 297.95 feet along the line common to said Sections 4 and 5 to the northwesterly right-of-way of Main Street and to the ***Point of Beginning***:

Thence $S67^{\circ}47'36''W$, 331.75 feet along the northwesterly right-of-way of Main Street to the extension of the northeasterly right-of-way of Chinden Boulevard;

Thence $N45^{\circ}44'00''W$, 656.57 feet along the northeasterly right-of-way of Chinden Boulevard to the southeasterly right-of-way of 31th Street;

Thence $N44^{\circ}16'00''E$, 157.50 feet along the southeasterly right-of-way of 31th Street to the centerline of Osage Street;

Thence $N45^{\circ}44'00''W$, 1,250.55 feet along the centerline of Osage Street to the extension of the northwesterly boundary of Lot 4 of Block 32 of said Fairview Acres Subdivision No. 5;

Thence $N51^{\circ}30'00''E$, 57.96 feet along the extension of and the northwesterly boundary of said Lot 4 to the most northerly corner of said Lot 4;

Thence $S45^{\circ}44'00''E$, 150.00 feet along the northeasterly boundary of Lot 4 to the most easterly corner of said Lot 4;

Thence $N51^{\circ}30'00''E$, 352.80 feet along the southeasterly boundary of said Block 32 to the northeasterly boundary of said Block 32;

Thence N45°44'00"W, 150.00 feet along the southeasterly boundary of said Block 32 to the most northerly corner of Lot 11 of Block 32 of said Fairview Acres Subdivision No. 5;

Thence S51°30'00"W, 252.00 feet along the northwesterly boundary of Lots 11 through 7 of Block 32 of said Fairview Acres Subdivision No. 5 to the most westerly corner of said Lot 7;

Thence N45°44'00"W, 150.00 feet along the southwesterly boundary of Lot 28 of Block 32 of said Fairview Acres Subdivision No. 5 to the most westerly corner of said Lot 28;

Thence S51°30'00"W, 158.76 feet along the northwesterly boundary of said Block 32 to the centerline of Osage Street;

Thence N45°44'00"W, 1,249.85 feet along the centerline of Osage Street to the extension of the southeasterly boundary of Lot 31 of Block 12 of Fairview Acres Subdivision No. 3;

Thence N44°16'00"E, 107.50 feet along the extension of and the southeasterly boundary of said Lot 31 to the most easterly corner of said Lot 31;

Thence N45°44'00"W, 300.00 feet along the northeasterly boundary of said Lot 31 to the most northerly corner of said Lot 31;

Thence S44°16'00"W, 107.50 feet along the northwesterly boundary of said Lot 31 and the extension thereof to the centerline of Osage Street;

Thence N45°44'00"W, 350.00 feet along the centerline of Osage Street to the extension of the northwesterly boundary of Lot 4 of Block 8 of Fairview Acres Subdivision No. 1;

Thence N44°16'00"E, 307.50 feet along the extension of and the northwesterly boundary of Lots 4 through 6 of Block 8 of Fairview Acres Subdivision No. 1 to the most northerly corner of said Lot 6;

Thence N45°44'00"W, 300.00 feet along the northwesterly boundary of Lot 29 of Block 8 of Fairview Acres Subdivision No. 1 to the most northerly corner of said Lot 29;

Thence S44°16'00"W, 307.50 feet along the northwesterly boundary of Lots 29 through 31 and the said boundary extended to the centerline of Osage Street;

Thence N45°44'00"W, 1,350.00 feet along the centerline of Osage Street to the southeasterly boundary extended of Block 5 of Fairview Acres Subdivision No. 1;

Thence N44°16'00"E, 807.50 feet along the extension of and the southeasterly boundary of Block 5 to the most easterly corner of Lot 11 of said Block 5;

Thence N45°44'00"W, 300.00 feet along the northeasterly boundary of said Lot 11 to the most northerly corner of said Lot 11;

Thence N44°16'00"E, 500.00 feet along the northwesterly boundary of Lots 12 through 16 of said Block 5 to the most northerly corner of said Lot 16;

Thence N45°44'00"W, 350.00 feet along the southwesterly boundary of Lot 18 of said Block 5 and the extension thereof to the most easterly corner of Lot 16 of Block 4 of said Fairview Acres Subdivision No. 1;

Thence S44°16'00"W, 200.00 feet along the southeasterly boundary of Lots 16 and 15 of said Block 4 to the most southerly corner of said Lot 15;

Thence N45°44'00"W, 300.00 feet along the southwesterly boundary of said Lot 15 to the most westerly corner of said Lot 15;

Thence N44°16'08"E, 1,795.09 feet along the northwesterly boundary of Lots 15 through 17 of said Block 4 and the extension thereof, and the northwesterly boundary of Lots 1 through 13 of Block 17 of said Fairview Acres Subdivision No. 3 to the most northerly corner of said Lot 13;

Thence S07°38'36"E, 381.08 feet along the easterly boundary of said Lot 13 to the southeasterly boundary of said Lot 13;

Thence S13°48'04"W, 49.31 feet to the centerline extended of 42nd Street;

Thence S44°16'00"W, 567.50 feet along the extension of and the centerline of 42nd Street to the extension of the northeasterly boundary of Lot 29 of Block 16 of said Fairview Acres Subdivision No. 3;

Thence S45°44'00"E, 325.00 feet along the extension of and the northeasterly boundary of said Lot 29 to the most easterly corner of said Lot 29;

Thence S44°16'00"W, 200.00 feet along the southeasterly boundary of Lots 29 and 30 of said Block 16 to the most southerly corner of said Lot 30;

Thence S45°44'00"E, 650.00 feet along the northeasterly boundary and the extension thereof of Lots 4 and 31 of Block 15 of said Fairview Acres Subdivision No. 3 to the most easterly corner of said Lot 31;

Thence N44°16'00"E, 100.00 feet along the northwesterly boundary of Lot 4 of said Block 15 to the most northerly corner of said Lot 4;

Thence S45°44'00"E, 159.81 feet along the northeasterly boundary of said Lot 4 to the westerly boundary of said Fairview Acres Subdivision No. 7;

Thence N07°57'00"E, 150.72 feet along the westerly boundary of said Fairview Acres Subdivision No. 7;

Thence N56°06'00"E, 4.64 feet along the northwesterly boundary of said Fairview Acres Subdivision No. 7 to the most northerly corner of Lot 16 of Block 2 of said Fairview Acres Subdivision No. 7;

Thence S39°55'00"E, 292.92 feet along the northeasterly boundary of said Lot 16 and the extension thereof to the northwesterly boundary extended of Block 3 of said Fairview Acres Subdivision No. 7;

Thence N50°05'28"E, 232.00 feet along the extension of and the northwesterly boundary of said Block 3 to the northeasterly boundary of said Block 3;

Thence N39°55'00"W, 49.45 feet along the northeasterly boundary of said Fairview Acres Subdivision No. 7 to the northerly boundary of land described in Instrument Number 8804227, records of Ada County, Idaho;

Thence S89°35'00"E, 256.53 feet along the northerly boundary of land described in said Instrument Number 8804227 to the northeasterly boundary of land described in said Instrument Number 8804227;

Thence S22°41'03"E, 510.65 feet along the northeasterly boundary of land described in said Instrument Number 8804227;

Thence S05°53'15"E, 95.07 feet along the easterly boundary of land described in said Instrument Number 8804227 to the northeasterly boundary of said Fairview Acres Subdivision No. 7;

Thence S31°27'00"E, 293.87 feet along the northeasterly boundary of said Fairview Acres Subdivision No. 7 to the most easterly corner of Lot 36 of Block 3 of said Fairview Acres Subdivision No. 7;

Thence S42°35'57"E, 315.75 feet to the most northerly corner of said Waterfront District Subdivision;

Thence the following courses and distances along the boundary of said Waterfront District Subdivision:

S52°36'00"E, 250.00 feet;
S55°30'00"E, 401.00 feet;
S42°30'00"E, 152.00 feet;
S37°00'00"E, 125.00 feet;
S27°30'00"E, 400.00 feet;
S05°00'00"E, 200.00 feet;
S04°30'00"W, 300.00 feet;
S11°30'00"W, 290.00 feet;
S10°00'00"E, 70.00 feet;
S03°30'00"W, 100.00 feet;
S10°59'57"W, 70.30 feet;
N32°00'00"W, 23.00 feet to the boundary of said Fairview Acres Subdivision No. 5;

Thence the following courses and distances along the boundary of said Fairview Acres Subdivision No. 5:

S00°10'09"E, 76.69 feet;
S08°39'09"W, 73.52 feet;
S05°23'05"E, 177.66 feet;
S01°44'00"E, 185.76 feet;
S11°46'09"E, 55.98 feet;
S09°40'07"E, 169.86 feet;
S16°04'02"E, 160.99 feet;
S12°44'04"E, 55.52 feet;
S21°08'31"E, 155.91 feet;
S30°16'25"E, 150.35 feet;
S18°02'26"E, 53.37 feet;
S35°59'37"E, 148.95 feet;
S39°59'46"E, 198.87 feet;
N51°30'00"E, 27.74 feet;
S10°39'10"E, 168.30 feet;
S12°23'44"E, 165.71 feet;
S00°47'35"E, 63.20 feet;
S08°05'50"E, 111.68 feet to the northwesterly right-of-way of Main Street;

Thence S67°47'36"W, 101.02 feet along the northwesterly right-of-way of Main Street to the ***Point of Beginning***.
AND INCLUDING adjoining public right-of-ways.

EXCEPTING THEREFROM the following lands:

Within Fairview Acres Subdivision No. 1:

The southeasterly 100 feet of Lot 17 of Block 5;
Lot 9 and the northeasterly 74.14 feet of Lot 8 of Block 6;
The northwesterly 200 feet of Lot 18 of Block 6;
Lot 7 and the southwesterly 20 feet of Lot 8 of Block 8.

Within Fairview Acres Subdivision No. 3:

Lots 8 through 11 of Block 12;
Lot 24 of Block 12;
Lot 28 and the southwesterly 20 feet of Lot 27 of Block 12.

Within Fairview Acres Subdivision No. 5:

Lots 33 and 34 of Block 28;
Lot 29 of Block 36;
Lot 31 and the northeasterly one-half of Lot 32 of Block 36;
Lot 33 and the southwesterly one-half of Lot 32 of Block 36;
Lots 10 and 11 of Block 37.

Within Fairview Acres Subdivision No. 7:

The southeasterly 13.5 feet of Lot 2 and Lot 1 of Block 1, except the following land within Lot 1, which is to be included in the Urban Renewal Area:

Beginning at the most easterly corner of said Lot 1, which is the ***Point of Beginning***:

Thence 100 feet along the northeasterly boundary of said Lot 1;

Thence southwesterly 84 feet, more or less, to a point on the southerly boundary of said Lot 1, 114 feet from the most easterly corner of said Lot 1;

Thence 114 feet along the southerly boundary of said Lot 1 to the ***Point of Beginning***.

Within Waterfront District Subdivision:

Lots 7 through 13 of Block 1;

Lots 16 through 19 of Block 1;

Lot 21 of Block 1;

Lots 23 and 24 of Block 1;

Lot 27 of Block 1;

Lots 29 and 30 of Block 1;

Lot 33 of Block 1;

Lot 37 of Block 1;

Lots 39 through 64 of Block 1;

Lots 12 through 14 of Block 2;

Lots 23 through 27 of Block 2.

This description has been prepared from information of record in the Ada County Recorder's office and provided by the Garden City Urban Renewal Agency.

Sections 300 through 314 discuss the proposed redevelopment actions, participation opportunities and agreements, cooperation with public bodies, property acquisition standards and requirements, relocation, demolition, and property disposition.

Section 402 discusses the type of land uses authorized in the Project Area.

Section 412 describes design guidelines for development.

The Plan also contains a major section on financing. Among other sources, the Plan will utilize revenue allocation financing, authorized by Chapter 29, Title 50, Idaho Code. This statute was approved in 1988 by the Idaho Legislature. Section 504 and Attachment 5 discuss revenue allocation financing and show how such financing has worked and would work in the Project Area in the future if certain new private developments occur as estimated.

Increases in assessed valuation of real and personal property in the Project Area that occur after January 1, 2012, will generate revenue for the Agency to pay project costs. Project costs include street improvements, parking facilities, and other public improvement costs. The assessed valuation of real and personal property on the base assessment roll is still available for use by the other taxing districts, Ada County, city of Garden City, Ada County Highway District, Ada County Emergency Medical Services, Independent School District No. 1, North Ada Fire and Rescue, Mosquito Abatement District, and College of Western Idaho to finance their operations. The Plan authorizes the Agency to sell revenue bonds to finance project costs and to use annual revenue allocations to pay the debt service.

The program outlined in the Plan emphasizes the installation of needed public improvements, street improvements, utility work, and other costs to encourage private development.

Attachment 5 describes in detail the cost and financing methods for complete repayment of the debt incurred used to finance the Project and to also fund the additional described activities.

No change in the land use designation or the potential uses in the area have been proposed. The Plan follows the underlying zoning classifications of the city of Garden City.

Sections 600 and 700 describe cooperative activities by the Agency with the City.

The duration of the Plan is for twenty (20) years. A termination process is described in Section 800 of the Plan. The Agency is required to prepare an annual report each year describing its activities during the previous year.

ATTACHMENTS TO THE PLAN

Attachment 1	Garden City Urban Renewal Agency Boundary Description River Front East Project Area and Revenue Allocation Area
Attachment 2	River Front East Project Allocation Boundary Map
Attachment 3	Private Properties Which May Be Acquired by the Agency
Attachment 4	Maps Depicting Area within Revenue Allocation and Project Area
Attachment 5	Statement of Proposed Public Improvements, Costs, Revenue, Tax Impacts, and Financing Methods
Attachment 5A	Garden City River Front East Urban Renewal Area Estimated Net Taxable Value of New Private Development and Estimated Garden City Growth Rates
Attachment 5B	Garden City River Front East Urban Renewal Area Estimated Annual Revenue Allocation Based on Estimated New Private Development and Estimated Garden City Growth Rate
Attachment 5C	Garden City River Front East Urban Renewal District Projected Revenue and Expenses – FY 2013-2032

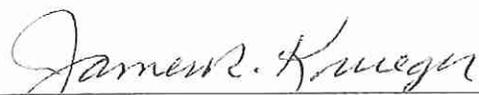
The full text of Ordinance 954-12 is available at the offices of the City Clerk, City Hall, 6015 Glenwood Street, Garden City, Idaho, 83714.

This summary is approved by the Garden City City Council at its meeting of October 22, 2012.



Mayor John Evans

ATTEST:



James R. Krueger, City Clerk



I, Frank Walker, City Attorney for the city of Garden City, Idaho, hereby declare and certify that in my capacity as City Attorney of the city of Garden City, pursuant to Idaho Code Section 50-901A(3) of the Idaho Code as amended, I have reviewed a copy of the above Summary of Ordinance, have found the same to be true and complete, and said Summary of Ordinance provides adequate notice to the public of the contents, including the exhibits, of Ordinance No954-12

DATED this 22nd day of October 2012.



Frank Walker, City Attorney
Garden City, Idaho

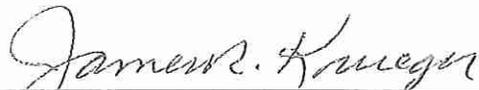
The full text of Ordinance 954-12 is available at the offices of the City Clerk, City Hall, 6015 Glenwood Street, Garden City, Idaho, 83714.

This summary is approved by the Garden City City Council at its meeting of October 22, 2012.



Mayor John Evans

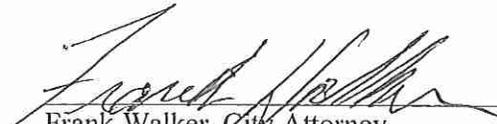
ATTEST:



James R. Krueger, City Clerk

I, Frank Walker, City Attorney for the city of Garden City, Idaho, hereby declare and certify that in my capacity as City Attorney of the city of Garden City, pursuant to Idaho Code Section 50-901A(3) of the Idaho Code as amended, I have reviewed a copy of the above Summary of Ordinance, have found the same to be true and complete, and said Summary of Ordinance provides adequate notice to the public of the contents, including the exhibits, of Ordinance No954-12

DATED this 22nd day of October 2012.



Frank Walker, City Attorney
Garden City, Idaho

ORDINANCE NO. 954-12

BY THE COUNCIL: BEAUMONT, MOSER, SIMKO, SOUZA

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN CITY, IDAHO, APPROVING THE RIVER FRONT EAST URBAN RENEWAL PROJECT URBAN RENEWAL PLAN, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor and Council of Garden City, Idaho ("City"), respectively, on or about the 9th day of May, 1995, adopted and approved Resolution No. 669 creating the Garden City Urban Renewal Agency (the "Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter the "Act") upon making the findings of necessity required for creating said Agency;

WHEREAS, Resolution No. 669 certified an area in Garden City as a "deteriorated area" or "deteriorating area" based upon the July 1995 Urban Renewal Eligibility Report and the subsequent August 1995 Urban Renewal Eligibility Report prepared by Harlan W. Mann, Real Estate Consultant;

WHEREAS, the City, after notice duly published, conducted a public hearing on the River Front Urban Renewal Plan (the "River Front Plan");

WHEREAS, following said public hearing, the City adopted its Ordinance No. 681 on December 10, 1996, approving the River Front Plan and making certain findings;

WHEREAS, the City, after notice duly published, conducted a public hearing on the Amended and Restated Urban Renewal Plan River Front Urban Renewal Project (the "Amended and Restated Plan");

WHEREAS, following said public hearing, the City adopted its Ordinance No. 888.08 on April 14, 2008, approving the Amended and Restated Plan and making certain findings;

WHEREAS, the City, after notice duly published, conducted a public hearing on the First Amendment to the Amended and Restated Urban Renewal Plan River Front Urban Renewal Project (the "First Amendment to the Amended and Restated Plan");

Project (the “First Amendment to the Amended and Restated Plan”);

WHEREAS, following said public hearing, the City adopted its Ordinance No. 953-12 on October 22, 2012, approving the First Amendment to the Amended and Restated Plan;

WHEREAS, pursuant to Idaho Code Section 50-2008, an urban renewal project may not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or deteriorating area, or combination thereof, and designated such area as appropriate for an urban renewal project;

WHEREAS, Idaho Code Section 50-2906, also requires that in order to adopt an urban renewal plan containing a revenue allocation financing provision, the local governing body must make a finding or determination that the area included in such plan is a deteriorated area or deteriorating area;

WHEREAS, the Agency, obtained an eligibility report (the “Report”), which examined an area known as the River Front East Area for the purpose of determining whether such area was a deteriorated or deteriorating area as defined under Idaho Code Sections 50-2018(9) and 50-2903(8)(b);

WHEREAS, the Agency accepted the eligibility report by way of Resolution No. 02-12 at the February 7, 2012, meeting of the Agency Board;

WHEREAS, the City, on February 13, 2012, adopted Resolution No. 957-12 accepting the Report;

WHEREAS, the Mayor and Council considered the steps set forth by the Act and Law, accepting the Report finding the area set forth in the Report to be “deteriorated” or “deteriorating” areas as defined by Idaho Code Sections 50-2018(9), and 5-2903(8)(b) declaring each area as an urban renewal area, making additional findings regarding the characteristics of the areas, making the necessary findings as required by Idaho Code Section 50-2008(a) and authorizing the Agency to prepare an urban renewal plan;

WHEREAS, the Legislature of the state of Idaho has enacted the Act, authorizing certain urban renewal agencies, including the Urban Renewal Agency of Garden City, to adopt revenue allocation financing provisions as part of their urban renewal plans;

WHEREAS, in order to implement the provisions of the Act and the Law, either the Agency may prepare a plan or any person, public or private, may submit such plan to the Agency;

WHEREAS, the Agency and its consultants have undertaken the planning process during 2012;

WHEREAS, the Agency has prepared a proposed River Front East Urban Renewal Project Urban Renewal Plan (the “Plan”) and the urban renewal area referred to as the River

Front East Project Area (“Project Area”) for the areas designated as eligible for urban renewal planning;

WHEREAS, such proposed Plan also contains the provisions of revenue allocation financing as allowed by the Act;

WHEREAS, the Agency Board considered all comment and information submitted to the Agency during several Board meetings and the Board meeting held on July 16, 2012;

WHEREAS, on July 16, 2012, the Agency Board passed Resolution No. 2012-6 proposing and recommending the approval of the Plan;

WHEREAS, the Agency has, by letter of transmittal dated July 16, and July 23, 2012, submitted the Plan to the Mayor and City;

WHEREAS, the Mayor and City Clerk have taken the necessary action to process the Plan;

WHEREAS, at a meeting held August 15, 2012, the Garden City Planning and Zoning Commission considered the Plan and found that the Plan is in all respects in conformity with the Comprehensive Plan; a copy of the Planning and Zoning Commission Findings and Recommendations is attached hereto as Exhibit 1;

WHEREAS, notice of the public hearing of the Plan was caused to be published by the City Clerk of Garden City, Idaho, in the *Idaho Statesman* on August 25 and September 1, 2012, a copy of said notice being attached hereto as Exhibit 2;

WHEREAS, as of August 28, 2012, the Plan was submitted to the affected taxing entities, available to the public, and under consideration by the City Council;

WHEREAS, the City Council during its regular meeting of September 24, 2012, held such public hearing;

WHEREAS, as required by Idaho Code Sections 50-2905 and 50-2906, the Plan contains the following information which was made available to the general public and all taxing districts prior to the public hearing on September 24, 2012, the regular meeting of the City Council, but no more than sixty (60) days prior to the date set for final reading of the ordinance: (1) the kind, number, and location of all proposed public works or improvements within the revenue allocation area; (2) an economic feasibility study; (3) a detailed list of estimated project costs; (4) a fiscal impact statement showing the impact of the revenue allocation area, both until and after the bonds, notes and/or other obligations are repaid, upon all taxing districts levying taxes upon property in the revenue allocation area; and (5) a description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred;

WHEREAS, the Plan authorizes certain projects to be financed by revenue allocation

bonds, or loans, and proceeds from revenue allocation;

WHEREAS, appropriate notice of the Plan and revenue allocation provision contained therein has been given to the taxing districts and to the public as required by Idaho Code Section 50-2906;

WHEREAS, it is necessary and in the best interest of the citizens of Garden City, Idaho, to adopt the Plan, including revenue allocation financing provisions since revenue allocation will help finance urban renewal projects to be completed in accordance with the Plan (as now or hereafter amended), in order to: encourage private development in the urban renewal area; prevent and arrest decay of Garden City, Idaho, due to the inability of existing financing methods to provide needed public improvements; encourage taxing districts to cooperate in the allocation of future tax revenues arising in the urban renewal area in order to facilitate the long-term growth of their common tax base; encourage private investment within Garden City, Idaho; and to further the public purposes of the Agency;

WHEREAS, the City Council finds that the equalized assessed valuation of the taxable property in the revenue allocation area described in Attachments 1 and 2 of the Plan is likely to increase, and continue to increase, as a result of initiation and continuation of urban renewal projects in accordance with the Plan;

WHEREAS, under the Law and Act any such Plan should provide for (1) a feasible method for the location of families who will be displaced from the urban renewal area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan should conform to the general plan of the municipality as a whole; (3) the urban renewal plan should give due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of the children residing in the general vicinity of the site covered by the plan; and (4) the urban renewal plan should afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise;

WHEREAS, if the urban renewal area consists of an area of open land to be acquired by the urban renewal agency, such area shall not be so acquired unless (1) if it is to be developed for residential uses, the local governing body shall determine that a shortage of housing of sound standards and design which is decent, safe, and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe, and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; or (2) if it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in the Law, because of defective or unusual conditions of title, diversity of ownership

tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area;

WHEREAS, the Plan does not contain any significant open land;

WHEREAS, pursuant to Chapter 14, Title 40 of the Idaho Code, the Ada County Highway District (“District”) is granted certain authority and jurisdiction over public rights-of-way within the Project Area as that term is defined in the Plan;

WHEREAS, the District also has the opportunity to provide comments on the proposed Plan;

WHEREAS, the collective base assessment roll for the existing revenue allocation area and the new Plan area, cannot exceed ten percent (10%) of the Assessed Value of the City;

WHEREAS, the City at its regular meeting held on September 24, 2012, considered the Plan as proposed and made certain comprehensive findings.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GARDEN CITY:

SECTION 1: It is hereby found and determined that:

(a) The Project Area as defined in the Plan is a deteriorated or a deteriorating area as defined in the Law and the Act and qualifies as an eligible urban renewal area under the Law and Act.

(b) The rehabilitation, conservation, and redevelopment of the urban renewal area pursuant to the Plan are necessary in the interests of public health, safety, and welfare of the residents of the City.

(c) There continues to be a need for the Agency to function in the City.

(d) The Plan conforms to the Comprehensive Plan for the city of Garden City.

(e) The Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the mixed use components of the Plan and the need for overall public improvements), and shows consideration for the health, safety, and welfare of any residents or businesses in the general vicinity of the urban renewal area covered by the Plan.

(f) The Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation and redevelopment of the urban renewal area by private enterprises.

(g) The Plan provides a feasible method for relocation of any displaced families residing within the urban renewal area.

(h) The collective base assessment roll of the existing revenue allocation area and the new Plan area do not exceed ten percent (10%) of the assessed value of the City.

(i) The Plan includes the requirements set out in Idaho Code § 50-2905.

SECTION 2: The City Council finds that the Project Area and Revenue Allocation Area do not consist of predominantly open land, that the Agency does not intend to acquire any open land on any widespread basis, and that the Project Area is planned to be redeveloped in a manner that will include nonresidential uses. Provided, however, the City Council finds that if portions of the Project Area and Revenue Allocation Area are deemed "open land," the criteria set forth in the Law and Act has been met.

SECTION 3: The City Council finds that the Plan meets the sound needs of the City and will provide opportunities in an area that does not now contain such opportunities, and nonresidential uses are necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Comprehensive Plan for the city of Garden City, as amended to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.

SECTION 4: The Plan, a copy of which is attached hereto and marked as Exhibit 3 and made a part hereof by attachment, be, and the same hereby is, approved. As directed by the City Council, the City Clerk and/or the Agency may make certain technical corrections or revisions in keeping with the information and testimony presented at the September 24, 2012, hearing, and incorporate changes or modifications, if any.

SECTION 5: That the City Council declares that nothing within the Plan is intended or shall be interpreted to usurp the jurisdiction and authority of the Ada County Highway District as defined in Chapter 14, Title 40, Idaho Code. Further, pursuant to Section 40-1415, Idaho Code, the Ada County Highway District has authority over the planning, location, design, construction, reconstruction, and maintenance of the City rights-of-way and accompanying curbs, gutters, culverts, sidewalks, paved medians, bulkheads, and retaining walls. In the planning process, the District shall take into consideration the planning principles contained in the Plan.

SECTION 6: No direct or collateral action challenging the Plan shall be brought prior to the effective date of this Ordinance or after the elapse of thirty (30) days from and after the effective date of this Ordinance adopting the Plan.

SECTION 7: Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Tax Assessor of Ada County and to the appropriate officials of Ada County Board of County Commissioners, Ada County Emergency Medical Services, Independent School District of Boise No. 1, City of Garden City, North Ada Fire and Rescue, Mosquito Abatement District, College of Western Idaho, Ada County Highway

District, and the State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundaries of the Revenue Allocation Area, and a map or plat indicating the boundaries of the Revenue Allocation Area.

SECTION 8: The City Council hereby finds and declares that the Revenue Allocation Area as defined in the Plan (defined as the Project Area in the Plan), the equalized assessed valuation of which the Council hereby determines is in and is part of the Plan is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Plan.

SECTION 9: The City Council hereby approves and adopts the following statement policy relating to the appointment of City Council members as members of the Agency's Board of Commissioners: If any City Council members are appointed to the Board, they are not acting in an ex officio capacity but, rather, as private citizens who, although they are also members of the City Council, are exercising their independent judgment as private citizens when they sit on the Board. Except for the powers to appoint and terminate Board members and to adopt the Plan, the City Council recognizes that it has no power to control the powers or operations of the Agency.

SECTION 10: So long as any Agency bonds, notes or other obligations are outstanding, the City Council will not exercise its power under Idaho Code Section 50-2006 to designate itself as the Agency Board.

SECTION 11: This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2012, to the extent permitted by the Act.

SECTION 12: The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this Ordinance.

SECTION 13: The Summary of this Ordinance, a copy of which is attached hereto as Exhibit 4, is hereby approved.

SECTION 14: All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

SECTION 15: SAVINGS CLAUSE: This ordinance does not affect an action or proceeding commenced or right accrued before this ordinance takes effect.

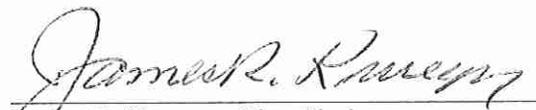
PASSED by the City Council of the city of Garden City, Idaho, on this 22nd day of October, 2012.

APPROVED by the Mayor of the city of Garden City, Idaho, on this 22nd day of October, 2012.



Mayor John Evans

ATTEST:



James R. Krueger, City Clerk



Exhibit 1

FINDINGS AND RECOMMENDATIONS FINDING THE RIVER FRONT EAST URBAN
RENEWAL PROJECT URBAN RENEWAL PLAN IN CONFORMITY WITH
COMPREHENSIVE PLAN

GARDEN CITY PLANNING AND ZONING COMMISSION FINDINGS AND RECOMMENDATION: *River Front East Urban Renewal Plan*

This proposal came before the Garden City Planning and Zoning Commission for consideration on August 15, 2012. The Commission reviewed the materials submitted. Based on the evidence presented, the Commission makes the following findings and recommendation to the Garden City Council:

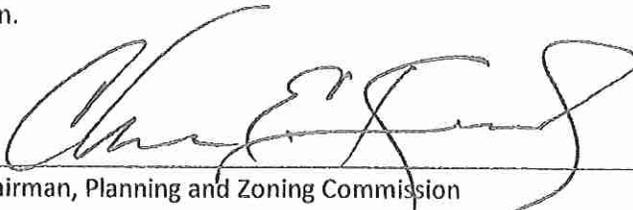
Findings

1. On May 9, 1995, the Council and Mayor of Garden City, Idaho respectively, adopted Resolution No. 669 thereby creating the Garden City Urban Renewal Agency("URA"), authorizing it to transaction business and exercise the powers granted by the Idaho Urban Renewal Law of 1965.
2. The Legislature of the State of Idaho has enacted the Local Economic Development Act, Chapter 29, Title 50, Idaho Code authorizing certain urban renewal agencies, including the Urban Renewal Agency of Garden City, to adopt revenue allocation financing provisions as part of their urban renewal plans.
3. URA has prepared a proposed River Front East Urban Renewal Plan for the areas designated as eligible for urban renewal planning and revenue allocation;
4. Idaho Code Section 50-2906, requires that in order to adopt an urban renewal plan containing a revenue allocation financing provision, the local governing body must make a finding or determination that the area included in such plan is a deteriorated area or deteriorating area.
5. Idaho Code Section 50-2008 does not allow for an urban renewal project may to be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or deteriorating area, or combination thereof, and designated such area as appropriate for an urban renewal project.
6. Garden City Council has adopted Resolution 957-12 which certified the subject area in Garden City as a "deteriorated area" or "deteriorating area" based upon the January 2012 Urban Renewal Eligibility Report;
7. The River Front East Urban Renewal Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the mixed use components of the River Front East Urban Renewal Plan, the need for overall public improvements, and the proposed public open space), and shows consideration for the health, safety, and welfare of any residents or businesses in the general vicinity of the urban renewal area.
8. The River Front East Urban Renewal Plan is in all aspects in conformance with the Garden City Comprehensive Plan.
9. The collective base assessment roll of the River Front East Urban Renewal Plan, and the adjusted Amended and Restated River Front Urban Renewal Plan, does not exceed ten percent (10%) of the assessed value of the City of Garden City.
10. The equalized assessed valuation of the taxable property in the revenue allocation area River Front East Urban Renewal Plan is likely to increase, and continue to increase, as a result of initiation and continuation of urban renewal projects in accordance with the River Front East Urban Renewal Plan.

11. The rehabilitation, conservation, and redevelopment of the urban renewal area pursuant to the River Front East Urban Renewal Plan are necessary in the interests of public health, safety, and welfare of the residents of the City of Garden City.
12. The River Front East Urban Renewal Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation and redevelopment of the urban renewal area by private enterprises.

Recommendation

The Garden City Planning and Zoning Commission recommends adoption of the River Front East Urban Renewal Plan.


Chairman, Planning and Zoning Commission

09/06/2012
Date

Exhibit 2

NOTICE PUBLISHED IN THE *IDAHO STATESMAN*

NOTICE OF REGULAR MEETING AND PUBLIC HEARING BY THE
CITY COUNCIL OF THE CITY OF GARDEN CITY
TO CONSIDER THE
RIVER FRONT EAST URBAN RENEWAL PROJECT
URBAN RENEWAL PLAN
OF THE GARDEN CITY URBAN RENEWAL AGENCY
OF THE CITY OF GARDEN CITY

NOTICE IS HEREBY GIVEN that the City Council of the city of Garden City will hold during its regular meeting, a public hearing in City Council Chambers, 6015 Glenwood Street, Garden City, Idaho, 83714 on September 24, 2012, at 6:00 p.m., to consider the River Front East Urban Renewal Project Urban Renewal Plan ("Plan") of the Garden City Urban Renewal Agency ("Agency"). The boundaries of the Plan Area are hereinafter described. The boundaries include both urban renewal and revenue allocation areas. The Plan proposes that the Agency undertake urban renewal projects pursuant to the Idaho Urban Renewal Law of 1965 as amended. The Plan proposes to create an urban renewal area commonly referred to as the River Front East Urban Renewal Project Area. The Plan being considered for adoption contains a revenue allocation financing provision pursuant to the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, that will cause property taxes resulting from any increase in equalized assessed valuation in excess of the equalized assessed valuation as shown on the base assessment roll as of January 1, 2012, to be allocated to the Agency for urban renewal purposes. The Agency has adopted and recommended approval of the Plan. The City Council will also be considering the first reading of an Ordinance to adopt the Plan. The third reading of the Ordinance is scheduled for October 22, 2012, at 6:00 p.m.

The general scope and objectives of the Plan are:

1. The installation, construction, or reconstruction of streets, utilities, including electrical distribution and transmission lines in underground configuration, if needed to encourage new developments, fiber optic or other communication systems, and other public improvements, including, but not limited to, irrigation and drainage laterals and ditches, canal crossings, storm drain systems, water and sewer improvements, fire protection systems, streetlights; and other public improvements including civic building or community facilities owned or occupied by the Agency or other public agencies including the City of Garden City's walkways, public open spaces, community centers, cultural centers, and visitors or information centers, as may be deemed appropriate by the Urban Renewal Agency Board;
2. The acquisition of certain real property (if needed);
3. The demolition or removal of certain buildings and improvements for public rights-of-way for streets, utilities, walkways, and other improvements, for public facility building sites, to eliminate unhealthful, unsanitary, or unsafe conditions, enhance density, eliminate obsolete or other uses detrimental to the public welfare or otherwise to remove or to prevent the spread of deteriorating or deteriorated conditions;

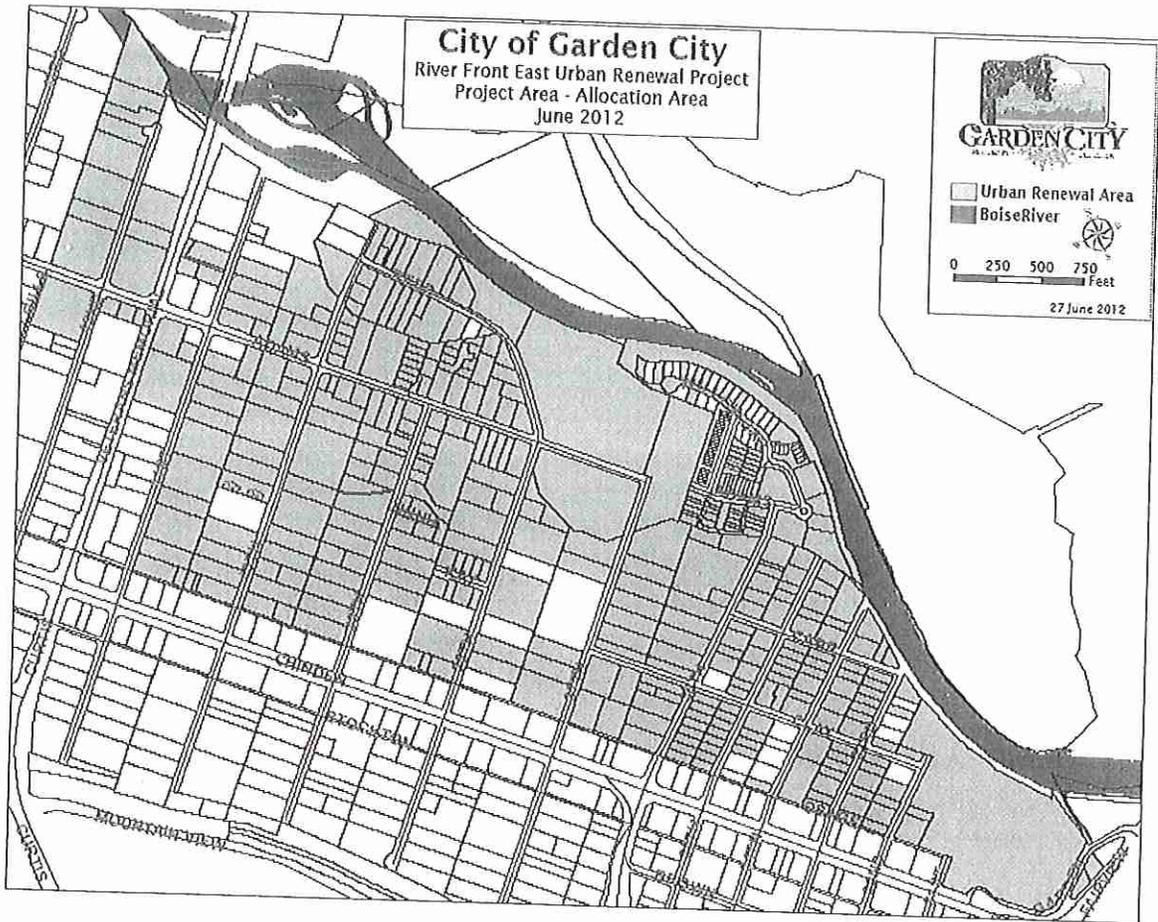
4. The provision for participation by the property owner within the Project Area to achieve the objectives of this Plan;
5. The management of any property acquired by and under the ownership and control of the Agency;
6. The provision for relocation assistance to displaced Project occupants, as required by law;
7. The disposition of property for uses in accordance with this Plan;
8. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
9. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
10. The preparation and assembly of adequate sites for the development and construction of facilities for industrial, commercial, retail, and governmental use;
11. To the extent allowed by law, lend or invest federal funds to facilitate redevelopment; and
12. The construction of foundations, platforms, and other like structural forms necessary for the provision or utilization of air rights, sites for buildings to be used for residential, commercial, industrial, and other uses contemplated by the Plan, and to provide utilities to the development site.

Any such land uses as described in the Plan will be in conformance with zoning for the city of Garden City and the Comprehensive Plan for the city of Garden City, as adopted by the City Council. Land made available will be developed by private enterprises or public agencies as authorized by law. The Plan identifies various public and private improvements which may be made within the Urban Renewal Area.

The Urban Renewal Project Area and Revenue Allocation Area herein referred to is located generally as follows:

An area consisting of approximately 199 acres from Veterans Memorial Drive on the west, Garden Street on the east, the Boise River on the north, and the Osage Street right-of-way on the south, along with certain properties west of Veterans Memorial Drive, past 42nd Street to Bills Avenue extending to the Boise River.

The project area is also depicted in the map below.



Copies of the proposed Plan are on file for public inspection and copying for the cost of duplication at the office of the City Clerk of Garden City, 6015 Glenwood Street, Garden City, Idaho 83714, between the hours of 8:00 o'clock a.m. and 5:00 o'clock p.m., Monday through Friday, exclusive of holidays.

The hearing will be held in a handicapped accessible facility. All information presented in the hearing shall also be available upon advance request in a form usable by persons with hearing or visual impairments; individuals with other disabilities may receive assistance by contacting the City 24 hours prior to the hearing.

At the hearing date, time, and place noted above (September 24, 2012, at 6:00 p.m.), all persons interested in the above matters may appear and be heard. Written comments will also be accepted. Comments should be directed to the City Clerk of Garden City. Written comments should be submitted prior to the hearing date.

DATED this 20TH day of August, 2012.

James R. Krueger, City Clerk

2 publication dates: August 25th and September 1st, 2012.

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
35530	0000611642	LEGAL NOTICE	RiverEast	\$576.69	3	76

Attention: Jim Krueger

GARDEN CITY CITY OF
 6015 GLENWOOD ST
 BOISE ID 83714

**LEGAL NOTICE
 NOTICE OF REGULAR MEETING AND PUBLIC HEARING BY THE
 CITY COUNCIL OF THE CITY OF GARDEN CITY
 TO CONSIDER THE
 RIVER FRONT EAST URBAN RENEWAL PROJECT
 URBAN RENEWAL
 OF THE GARDEN CITY URBAN RENEWAL AGENCY
 OF THE CITY OF GARDEN CITY**

NOTICE IS HEREBY GIVEN that the City Council of the City of Garden City will hold during its regular meeting, a public hearing in City Council Chambers, 6015 Glenwood Street, Garden City, Idaho, 83714 on September 24, 2012, at 6:00 p.m. to consider the River Front East Urban Renewal Project Urban Renewal Plan (Plan) of the Garden City Urban Renewal Agency (Agency). The boundaries of the Plan Area are hereinafter described. The boundaries include both urban renewal and revenue allocation areas. The Plan proposes that the Agency undertake urban renewal projects pursuant to the Idaho Urban Renewal Law of 1955, as amended. The Plan proposes to create an urban renewal area commonly referred to as the River Front East Urban Renewal Project Area. The Plan being considered for adoption contains a revenue allocation financing provision pursuant to the local Economic Development Act, Chapter 29, Title 50, Idaho Code, that will cause property taxes resulting from city interests in required assessed valuation in excess of the required assessed valuation as shown on the last assessment roll as of January 1, 2012, to be allocated to the Agency for urban renewal purposes. The Agency has adopted and recommended approval of the Plan. The City Council will also be considering the first reading of an Ordinance to adopt the Plan. The third reading of the Ordinance is scheduled for October 22, 2012, at 6:00 p.m.

- The general scope and objectives of the Plan are:
1. The installation, construction, or reconstruction of streets, utilities, including electrical distribution and transmission lines in underground configuration, if needed to encourage new developments, their utility or other communication systems, and other public improvements, including, but not limited to, irrigation and drainage laterals and ditches, canal crossings, storm drain systems, water and sewer improvements, fire protection systems, streetslights, and other public improvements including erect building or temporary buildings owned or occupied by the Agency or other public agencies including the City of Garden City's walkways, public open spaces, community centers, cultural centers, and visitors or information centers, as may be deemed appropriate by the Urban Renewal Agency Board.
 2. The acquisition of certain real property if needed.
 3. The demolition or removal of certain buildings and improvements for public right-of-way for streets, utilities, walkways, and other improvements, for public facility building sites, to eliminate substandard, unsightly, or unsafe conditions, enhance density, eliminate obsolete or other uses detrimental to the public welfare or otherwise to remove or to prevent the spread of deteriorating or deteriorated conditions.
 4. The provision for participation by the property owner with the Project Area to achieve the objectives of this Plan.
 5. The management of any property acquired by or under the ownership and control of the Agency.
 6. The provision for relocation assistance to displaced Project participants, as required by law.
 7. The disposition of property for uses in accordance with this Plan.
 8. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan.
 9. The rehabilitation of structures and improvements by present owners, their successors, and the Agency.
 10. The preparation and assembly of advance sites for the development and construction of facilities for industrial, commercial, utility and governmental uses.
 11. To the extent allowed by law, lend or invest federal funds to facilitate redevelopment and
 12. The construction of foundations, platforms, and other low structural forms necessary for the provision or utilization of public sites for buildings to be used for residential, commercial, industrial, and other uses contemplated by the Plan, and to provide utilities to the development site.
- Any such land uses as described in the Plan will be in conformance with zoning for the City of Garden City and the Comprehensive Plan for the City of Garden City, as adopted by the City Council. Land made available will be developed by private enterprises or public agencies as authorized by law. The Plan identifies various public and private improvements which may be made within the Urban Renewal Area.
- The Urban Renewal Project Area and Revenue Allocation Area herein referred to is located generally as follows:
- An area consisting of approximately 159 acres from Veterans Memorial Drive on the west, Garden Street on the east, the Boise River on the north, and the Orange Street right-of-way on the south, along with certain property west of Veterans Memorial Drive, east of Orange Street to Blue Avenue extending to the Boise River. The project area is also depicted in the map below.



Copies of the proposed Plan are on file for public inspection and copying for the cost of duplication at the office of the City Clerk of Garden City, 6015 Glenwood Street, Garden City, Idaho 83714, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, exclusive of holidays. The hearing will be held in a handicapped accessible facility. An information presented at the hearing will also be available upon advance request in a form suitable by persons with hearing or visual impairments. Individuals with other disabilities may receive assistance by contacting the City 24 hours prior to the hearing. Any hearing date, time and place not stated above is subject to change without notice. Comments should be directed to the City Clerk of Garden City. Written comments should be submitted prior to the hearing date. (AIDED by 2011 day of August, 2012) (Notice of Hearing - City Clerk)

Pub Aug 25, Sept 1, 2012

696061164201

ALEXIS FOWLER, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

Beginning issue of: 08/25/2012

Ending issue of: 09/01/2012

Alexis Fowler
 (Legal's Clerk)

STATE OF IDAHO)

SS

COUNTY OF ADA)

On this 4 day of September in the year of 2012 before me, a Notary Public, personally appeared before me Alexis Fowler known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Heather Harradine
 Notary Public for Idaho
 Residing at: Boise, Idaho

My Commission expires:

2/08/2014

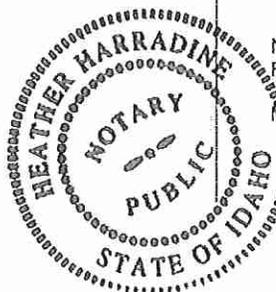


Exhibit 3

RIVER FRONT EAST URBAN RENEWAL PROJECT
URBAN RENEWAL PLAN